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ANALECTA EBORACENSIA

SIR THOS. WIDDRINGTON

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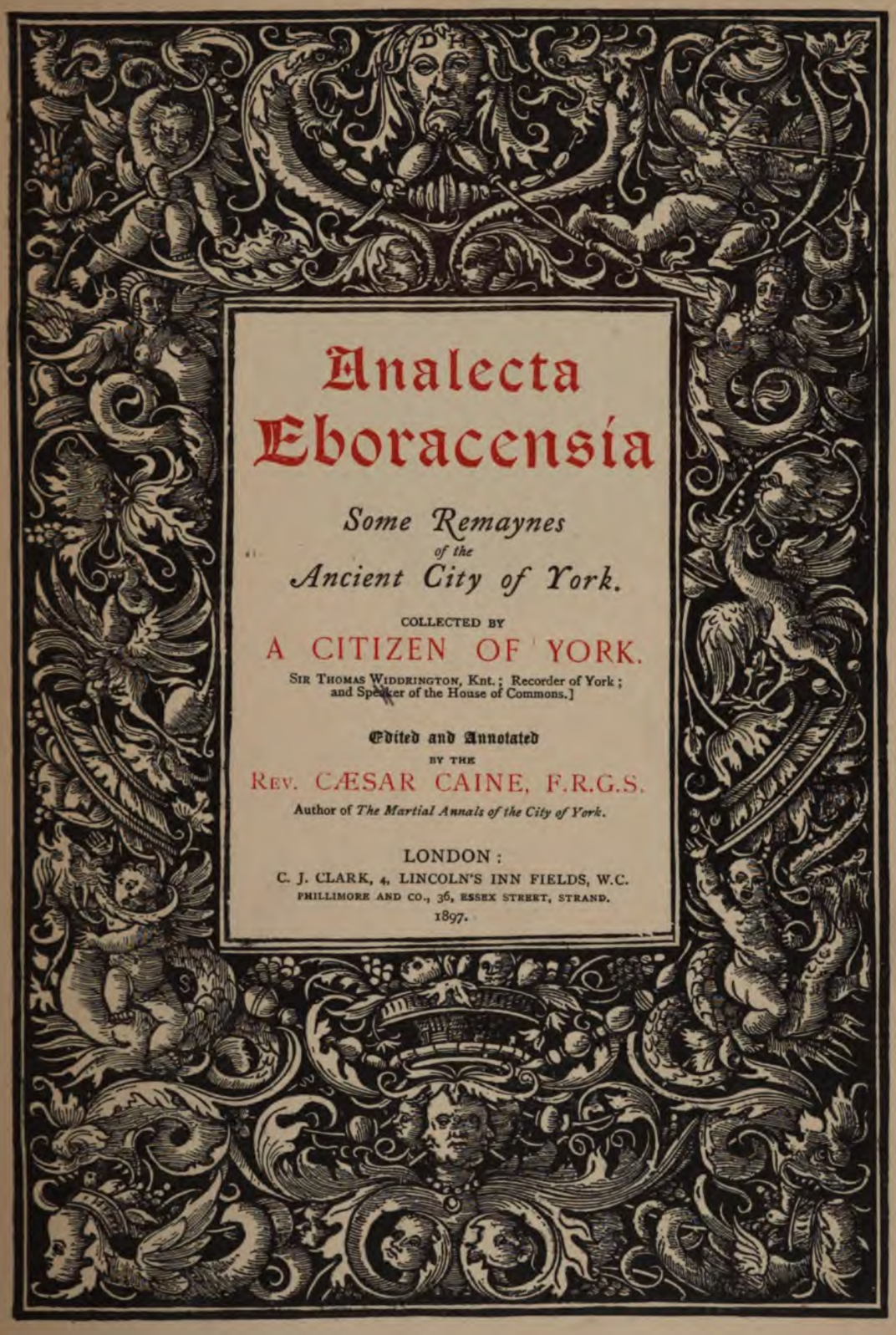
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Analecta Eboracensia

Some Remaynes of the Ancient City of York.

COLLECTED BY

A CITIZEN OF YORK.

Sir Thomas Widdrington, Knt.; Recorder of York; and Speaker of the House of Commons.]

Edited and Annotated

BY THE

Rev. CÆSAR CAINE, F.R.G.S.

Author of *The Martial Annals of the City of York.*

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The "Sad Complaint" is printed on p. x.

The list of Mayors prepared by Widdrington is cancelled by him; *vide* p. 84 It might be well to print it separately some time.

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INTRODUCTORY CHAPTERS

BY

THE EDITOR.

CHAPTER I.

Some Account of *Analecta Eboracensia.*

QUAINT old Fuller, at the end of his section on York[1] says: "Let me adde, I am informed that Sir Thomas Widdrington, a person accomplished, in all Arts, as well as in his own Profession of the Laws, hath made great Progress in his Exact Description of this City. Nor doe I more congratulate the happiness of York coming under so Able a Pen, then Condole my own Infelicity, whose unsuccessful attendance hitherto could not compass speech with this worthy knight. Sure I am, when this work is set forth, then indeed YORK SHALL BE,—what? A city most compleatly Illustrated in all the Antiquities and Remarkables thereof." These words were published in 1662, two years before the death of Sir Thomas Widdrington.

The commendable hope expressed by Fuller, that Sir Thomas would publish the materials he had collected for the history of York, was not realised.

More than thirty years later, we find an historian lamenting that

[1] Thomas Fuller, *Worthies of England*, 1662, p. 232.

Widdrington's history of York is still in manuscript, and likely to remain unpublished. Bishop Gibson, in his edition of Camden's *Britannia*,[1] published in 1695, says: "This ancient and noble city might have had an agreeable light, if Sir Thomas Widdrington, a person accomplisht in all arts, as well as in his own profession of the laws, after he had wrote an entire history of it, had not upon some disgust prohibited the publication. The original[2] manuscript is now in possession of Thomas Fairfax of Menston, Esquire."

There is a most unaccountable error concerning this collection in *Memoirs of the Protectoral House of Cromwell.* It is there stated that Sir Thomas Widdrington published his *Analecta Eboracensia* in 1660.[3]

Analecta Eboracensia represents the first known attempt to preserve the memory of the historic events of the Northern Capital, and was completed nearly a century before Francis Drake, the great historian of York, published his *Eboracum.*[4]

Thomas Widdrington was a barrister of Gray's Inn, Holborn,[5] his coat of arms being preserved in one of the compartments of the bay window of the Hall there.[6] He was Recorder of York during the reign of the unfortunate Charles I and the Commonwealth, and represented that constituency in Parliament in 1654, 1656, and 1660.

He spent some years in collecting and arranging materials for his local history, and offered to the Mayor and Corporation, that in publishing the book, he would be pleased to dedicate it to the "Mayor, Aldermen, Sheriffs, Common Council, and Citizens". It was generally felt that a man occupying a position so high and influential as that held by Sir Thomas might have attempted something of a more

[1] P. 734.

[2] Drake speaks of the Menston MS. as a *copy.* In *Anecdotes of British Topography* (1768), p. 547, and Gough, *British Topography* (1780), p. 418, the same statement appears.

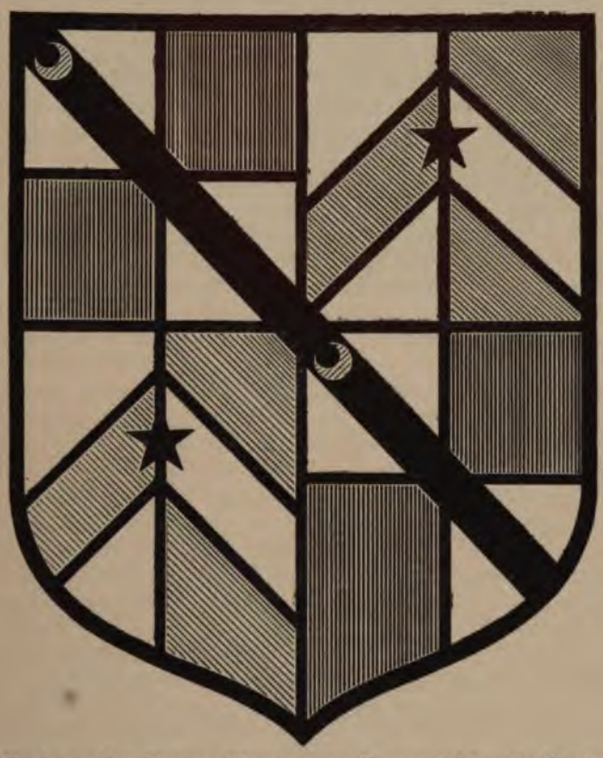
[3] Noble, M., *Memoirs of the Protectoral House of Cromwell* (pub. 1787), vol. i, p. 428.

[4] Drake's work appeared in 1736.

[5] He was admitted in 1618, and his elections were as follows:—Barrister 16— ; Ancient 1639 ; Bencher 1639 ; Lent Reader 1640 ; Serjeant 1641.

[6] These arms are figured in Dugdale's *Origs. Jurid.*, p. 303, being copied, as in the present instance, from the window at Gray's Inn.

material character for the advancement of the city, such as obtaining an Act of Parliament for the improvement of the navigation of the Ouse, etc. Nor can it be said that the people, greatly reduced as they were in resources by the events of the recent Civil War, had no just grounds for their complaints, especially considering that their



The Arms of SIR THOMAS WIDDRINGTON, Knt., copied from the Window at Gray's Inn.

votes had contributed to secure for Widdrington his position in Parliament. The proposed dedication[1] of the work, a draft of which was forwarded to the city authorities for approval, was received with coldness by those whom it was designed to honour, and not only with coldness, but even derision. Hence the "disgust" of the author, and his prohibition of the publication spoken of by Bishop Gibson.

[1] This dedication is given later, in the place assigned to it by Sir Thomas, *vide* p. 3.

The following reply,[1] expressing despair concerning the state and prospects of the citizens, and concluding with a vehement sting, was sent to the learned and industrious author:—

"SIR,—You have told us by the former discourse what the city was, and what our predecessors have been. We know not what this may have of honour in it: sure we are, it hath but little of comfort. The shoes of our predecessors are too big for our feet, and the ornaments which they had will not serve now to cover our nakedness, nor will their wealth feed us, who are not able to tell you what we are, unless it be this, that we are poor and miserable. Our predecessors, if they could see us, would either disclaim us, or be ashamed of us. You have told us that this city was some time the metropolis of the Britons; the Royal Court of the Roman Emperors, and a seat of justice anciently, and also in later times; how is it now become unlike itself? The inhabitants have many of them forsaken it, and those who have not, she cannot maintain, whilst some cities are become so big with buildings, and numerous with inhabitants, as they can be hardly fed or governed. York is left alone, situate in a country plentiful for provisions, and stored, if the people had money to buy them. Trade is decayed, the river become unnavigable by reason of shelves. Leeds is nearer the manufactures, and Hull more commodious for the vending of them; so York is, in each respect, furthest from the profit. The body of York is so dismembered, that no person cares for the being the head of it; the suburbs, which were the legs of the city, are cut off; the late Court of Justice, which, indeed, was built upon the sand only, is sunk, and with it many considerable persons are swallowed up; you cannot now see any confluence of suitors and people; he that looks upon the city may see her paps dry, and her eyes bedewed with tears, refusing to be comforted, because all these are gone. Now, sir, for the Britons you mention; we can neither derive pedigree nor wealth from them; nor can we hear of any of their descendants, unless in Wales and Cornwall, or upon some mountain or hill in Cumberland; and when we have found them, we fear that they will not own us for their kindred or relations; we have lost our genealogy, and forgot the British dialect; they tell us that our blood is not British, but Roman, Saxon, and Norman, which, or some of which, did expel these ancient Britons, and we might expect the same reception from the Roman, Norman, or Saxon, if we should appeal to any of them; and we find by experience that it is not a long series, or beadroll of ancestors, and predecessors, but wealth and estate which set a value upon men and places. As for our wealth, it is reduced to a narrow scantling; if we look upon the fabric and materials of the city, we have lost the suburbs which were our skirts, our whole body is in weakness and distemper, our merchandize and trade, our nerves and sinews, are weakened and become very mean and inconsiderable: for the earls, dukes, archbishops, deans, prebends, and abbots of York, they are no homogeneal parts of our body, but only our garnishments, embroideries, and ornaments, and sometimes pricks and goads; our present misery is, that we can hardly keep together our homogeneal and essential members, some of them using us, as Absalom's mule did him, either leaving of us, or refusing to act as magistrates amongst us, when our very Govern-

[1] A copy of this reply is bound up with the MS. at the end, and entitled "A sad complaynt by the City of York to the Author".

ment seems to hang by a weak, or upon some slender twig. Now for all the monuments of our former state and glory we find no warmth or comfort from them; but it seems to add to our unhappiness that our predecessors were so happy. Give us leave for conclusion to tell you that a good purse is more useful to us than a long story, which might enable us:—(1) To make our river more navigable; (2) To re-edify the decayed parts of the city; (3) To raise a stock to set up some manufacture in the city; (4) To relieve our poor, into which number we may all of us fall if some timely course be not taken by which, through God's blessing, this tottering and wasted city may be upheld."

This answer, we confess, with all our sympathy for the good Mayor and Citizens, goes beyond the characteristic frankness of the people of the North, and seems to revel in its bluntness, whilst manifesting little or nothing of the reputed hopefulness and optimism of the Northern character. Sir Thomas felt the rebuff most keenly, and it is not to be wondered at that he prohibited the publication of his collection, though it represented researches extending over many years. As already stated, the original MS. was in the possession of Fairfax of Menston in 1695. It was at first the property of Thomas Lord Fairfax, the Parliamentary General,[1] brother-in-law to Sir Thomas Widdrington. Doubtless it came into the possession of the Menston family at the death of Lord Fairfax in 1671. At a later date it passed into the hands of a Mr. Richardson, an "apothecary", of London, who was a well-known book collector. From his hands it passed, by purchase, into the possession of Sir Robert Smith, of Suffolk,[2] and contains on one of the end papers the arms of that gentleman. While in his hands it was introduced by Dr. Vernon,[3] of St. George's, Bloomsbury, to Francis Drake, who was then engaged upon his *Eboracum*, and who had some time previously discovered another copy of this manuscript history among the records of the city.[4] Drake used these manuscripts freely, and incorporated

[1] Drake, *Eboracum*, Preface. See also the notes appended to the other copies described farther on.

[2] This baronetcy was created in 1714, and expired in 1811.—Burke, *Extinct and Dormant Baronetcies.*

[3] Inducted Feb. 23rd, 1731.—Geo. Clinch, *Bloomsbury and St. Giles*, p. 129.

[4] Drake says he had previously tried to get access to the Menston manuscript, but had failed. It was kept at that time *sub sigillo.* Drake, in speaking of the Menston MS. of his day as a *copy*, says he only repeats what is a matter of common report. Is it not possible that, though the original MS. was at Menston in 1695,

extracts from them into his own work. Drake's remarks are as follows:—"And now, since Sir Thomas Widdrington's name is on the carpet, I must own my obligation to that gentleman, who was the first that I know of who undertook to write in a particular way the history of this city. This writer in all probability began to make his collections for his history in King Charles the First's time, when he was Recorder of York. For in a speech to that monarch, at his coming to the city, in the year 1639, he pays a strained compliment to the King of its being more honoured by his having been Duke of York, than by the residence and deaths of the Emperors, which shows that he had then read something of the antiquities of it. The civil wars intervening, in which our author could not be unconcerned, his history seems only to be finished in the halcyon days for his party that ensued. And it must be after the Restoration that he sent the city word he intended to print and dedicate his elaborate performance to them."[1]

Concerning the particular copy which belonged to Lord Fairfax, Drake says: "This is the very original which he himself (Sir Thomas Widdrington) intended for the Press"; and again, he says, it is "the very book which he himself dressed up, and put the last hand to for the Press."[2] Happily this manuscript is easily accessible, and to a careful reader the evidences of what has just been quoted from Drake are abundant. Let one illustration suffice. On fol. 157 one or two lines are struck out. The author on further consideration has determined to let them stand, and has written on the top margin of the page, "Print what is here struck out". This copy ultimately became the property of Christopher Sykes, Esq., from whom it was purchased in April 1881, by the Trustees of the British Museum, in which institution the volume is now preserved—Egerton MSS., 2578. Upon one of the first pages of the work there is the following inscription, written by Drake's own hand:—"This manuscript was the work of Sir Thomas Widdrington, Knight, and as I apprehend, for several reasons, which I have given in the preface

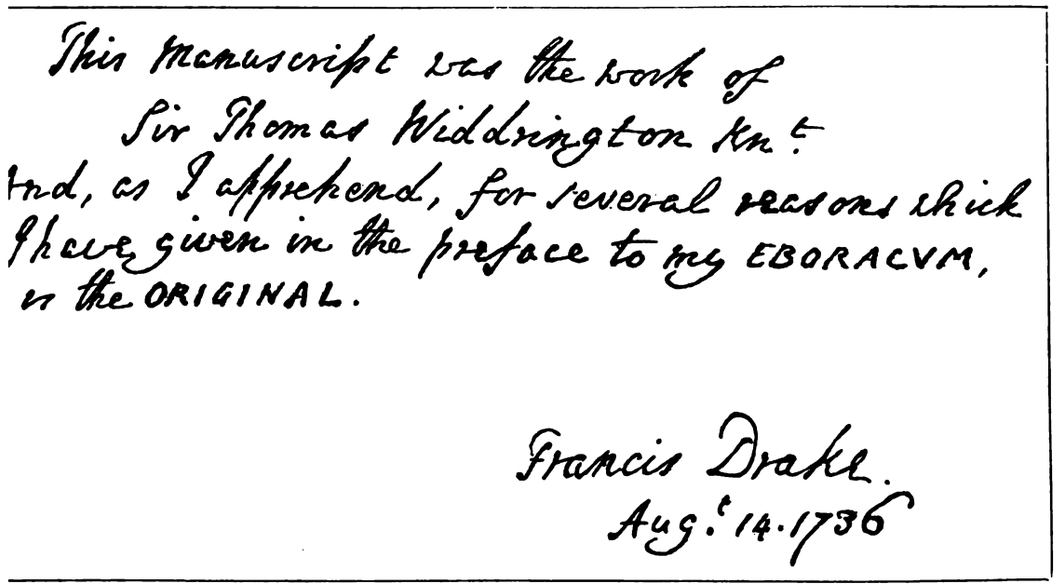
yet in 1736 only a *copy* remained there? Drake does not attempt to account for the vicissitudes of the original MS., after it left the library of Lord Thomas Fairfax until it appears in the possession of Mr. Richardson.

[1] Drake, *Eboracum* Preface.

[2] Drake, *ibid.*

to my *Eboracum*, is the *original.*—Francis Drake, August 14, 1736."

Not seldom has the regret been expressed that this valuable manuscript has not been published. The author of *Eboracum* wrote: "What remains is only to recommend it to the present proprietory of the other copies that they would print it; since one of them is offered for sale, and since no injunction from the author obliges them now to the contrary."



FACSIMILE OF DRAKE'S ENTRY IN WIDDRINGTON'S MANUSCRIPT.

Widdrington's method of work, in one respect at least, leaves nothing to be desired, and furnishes an example to all those giving attention to the study of historic subjects. For his information he goes, whenever possible, to original documents. Of course, as one of the pioneers in topographical work, he was compelled to take this course. The Public Records (then in the Tower of London),[1] the Archives of York Minster and the City Corporation, the ecclesiastical documents then lying in St. Mary's Tower (York), the evidences of

[1] Many references will be found to the Charter Rolls, Patent Rolls, Close Rolls, Exchequer Rolls, Statute Rolls, etc.

Yorkshire families—the Vavasours, the Fairfaxes, the Slingsbys and others—the Bodley MSS., the Cotton MSS., and other original sources, are laid under contribution for his work.

It must be remembered also that, at the time Sir Thomas was making his collection, many of the works with which we are familiar had not been put into type, and could only be consulted by him in manuscript form. *Domesday Book* was unpublished. There were no Calendars to the Rolls except the imperfect manuscript ones. Such documents as *Testa de Nevill* were only accessible in the same form. Hearne had not issued Leland's *Itinerary*. Robert of Gloucester, Fordun, and other writers were still unpublished. These and similar facts lend additional credit to the achievement of our author.

Reference has been made to Drake's acknowledged indebtedness to Widdrington. Without detracting from Drake, and without giving to Widdrington praise which is not his due, it may be said that Widdrington's collection is the basis of Drake's masterpiece. I have read and compared the two books for years, and I have been confirmed in this opinion at almost every point.

I have been surprised to find that sometimes Widdrington is more correct than Drake, though Drake had the opportunity of revising Widdrington's work. As an example of what I mean, I will refer to the quotations from the Charter Rolls on p. 55. Drake transfers this list (with two additions) to his *Eboracum*, p. 211. On comparing the two lists, it will be found that Drake differs from Widdrington. In each instance it is Drake who is incorrect.

Reference is made in the notes to other inaccuracies in Drake, *e.g.*, Dr. Lister's account of a Roman altar, p. 28, note 2; the Fairfax pedigree, p. 149, note 2; the sites of the houses of the Augustine and Franciscan Friars, p. 246, note 3; the confusion of John Scotus with Alcuin, p. 290, note 1; the Fairfax epitaph, p. 304.[1]

These are only specimens from a considerable list which might be

[1] Whilst referring to these errors, I will mention another matter to which the late Canon Raine directed my attention, *viz.*, that there was no Mayor of York until the reign of Henry III (1216—72). I find a digest of the information given me by Canon Raine in his *York* (Historic Town Series), pp. 193-4. He says (the italics being mine) :—

presented. The time has arrived when a revised and extended edition of Drake's monumental work would be of immense advantage.

I do not say that Sir Thomas is always correct. I have, indeed, repeatedly found it necessary to use the notes for the purpose of making corrections. But, again, it must be allowed that many of these faults are slips on the part of the amanuensis, and would have been corrected had the book passed into print during the lifetime of the author.

The collection of Widdrington presents one grave fault—a lack of order and method in the arrangement of the chapters, and in the subject matter of the respective chapters. At first I suspected that the binder of the papers was in some measure answerable for this apparent confusion, so far as the order of the chapters is concerned; but this is not the case. I shall have need to refer to these faults again in the *Preface* to the present edition.

There are, at least, three other copies of this manuscript besides the one I have reproduced.

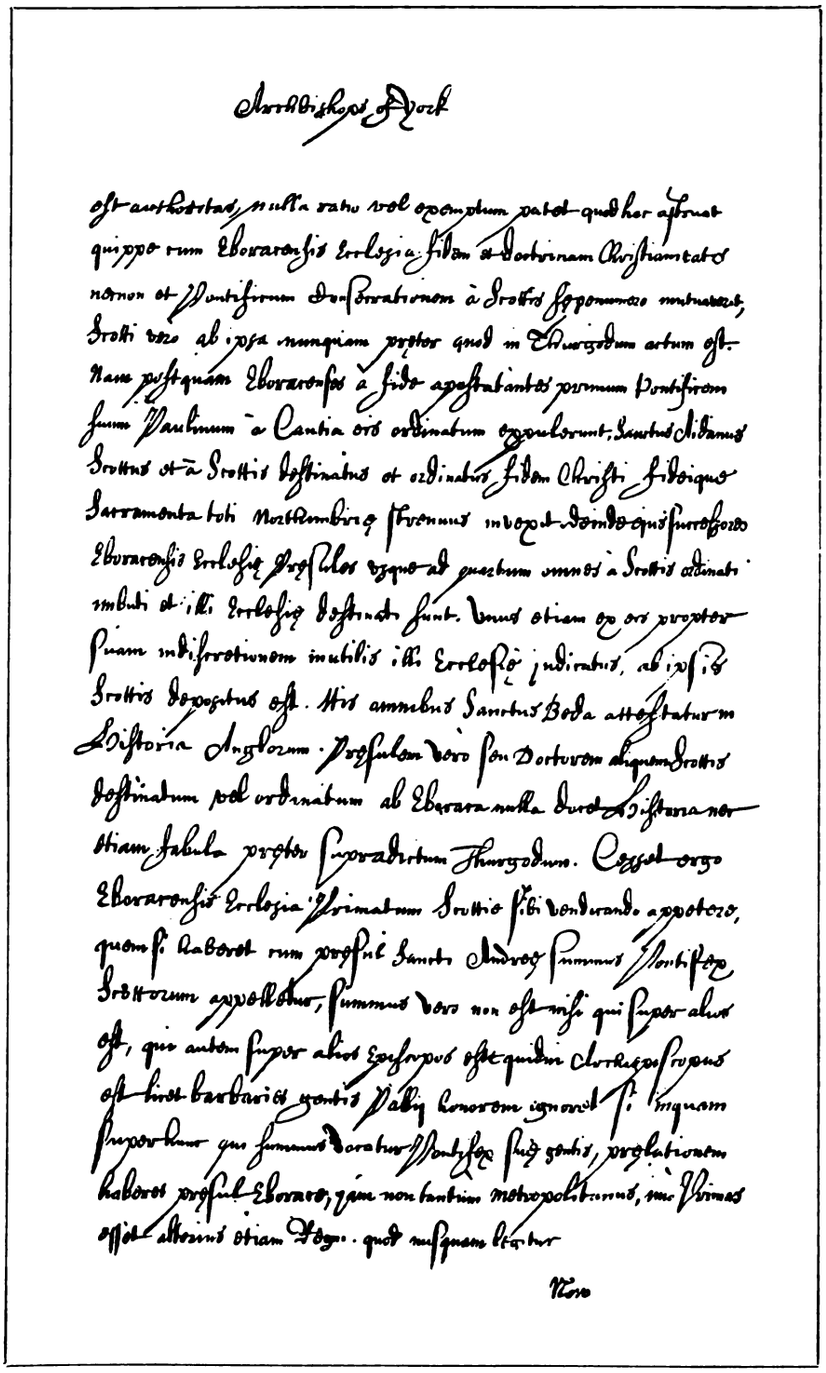
1. As already stated, Drake found a copy of *Analecta Eboracensia* among the City Records.

This MS. was a "first draft", without the author's corrections.

Drake says that this copy was endorsed as follows :—

"This is the first draft out of his own papers. A second, my Lord Fairfax has by his delivery, with this note in the front, *viz.*, that in the last and perfect copy he

"King John, by deed dated March 25, 1200, confirmed to the citizens their Merchant Guild and their houses in England and Normandy, and their lastage, as freely as they had them in the time of Henry his grandfather, and as they are specified in the charters of Henry his father and Richard his brother. When John granted this charter, York was still under the rule of a praepositus, or reeve; *the claim which Drake makes to its having a mayor at an earlier period being quite unfounded.* We learn from evidences preserved at Durham that whilst Robert Wallensis was sheriff of Yorkshire (1206-11), Gerard, the bell-founder, was *praepositus* or *reeve* of the city, and that William Fairfax was holding that office about the same time. *In 1217 we find a mayor in the place of the praepositus*, and, no doubt, there were bailiffs as well. In that year the king orders the sheriff of Yorkshire to give to Hugh de Selby, mayor of York, the house which belonged to Leonard the Jew." This note should be read in connection with pp. 80-81 following.



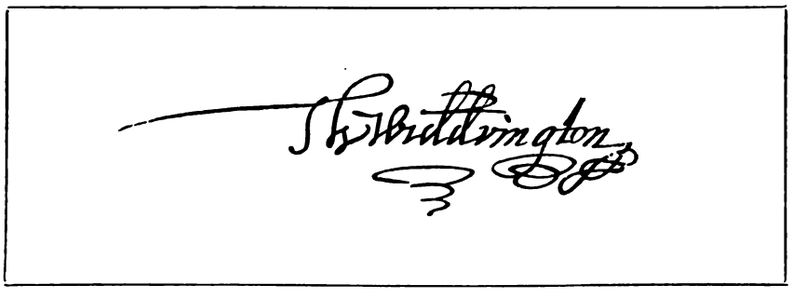
A PAGE OF THE EGERTON MS. NOW PRINTED.
(Size of the original writing, 10 inches by 5½ inches.) See p. 195.

has expunged divers things in both the former, and made some small additions as were defective in both.

* * * * * *

This is a more imperfect copy than that which Sir Thomas Widdrington delivered to my Lord Fairfax, for it evidently appears that my lord's book was copied out of this. And yet without question this is much more compleat then the last, because in the last he has expunged (it is his own word, but very improper for so learned a work) divers things in the former."

This book is no longer among the Records of the City, but it, or a copy of it, is still extant in York. I regret that I have had extreme difficulty in viewing this manuscript: the owner, for good reasons of his own, being adverse to an examination of the volume.



Signature of Sir THOMAS WIDDRINGTON, Knt.

2. There is a copy of this history at Oxford in the Bodleian Library.[1] This has a bookplate of Thomas Beckwith,[2] painter, of York. The titlepage (fol. o) is here presented in facsimile.[3] The notes on this folio indicate, and the comparatively recent character of the penmanship confirms, that this is a copy of the York manuscript just described.[4]

3. Another copy was in the possession of Sir Robert Shaftoe (of Whitworth, Durham),[5] who married a daughter of Sir Thomas

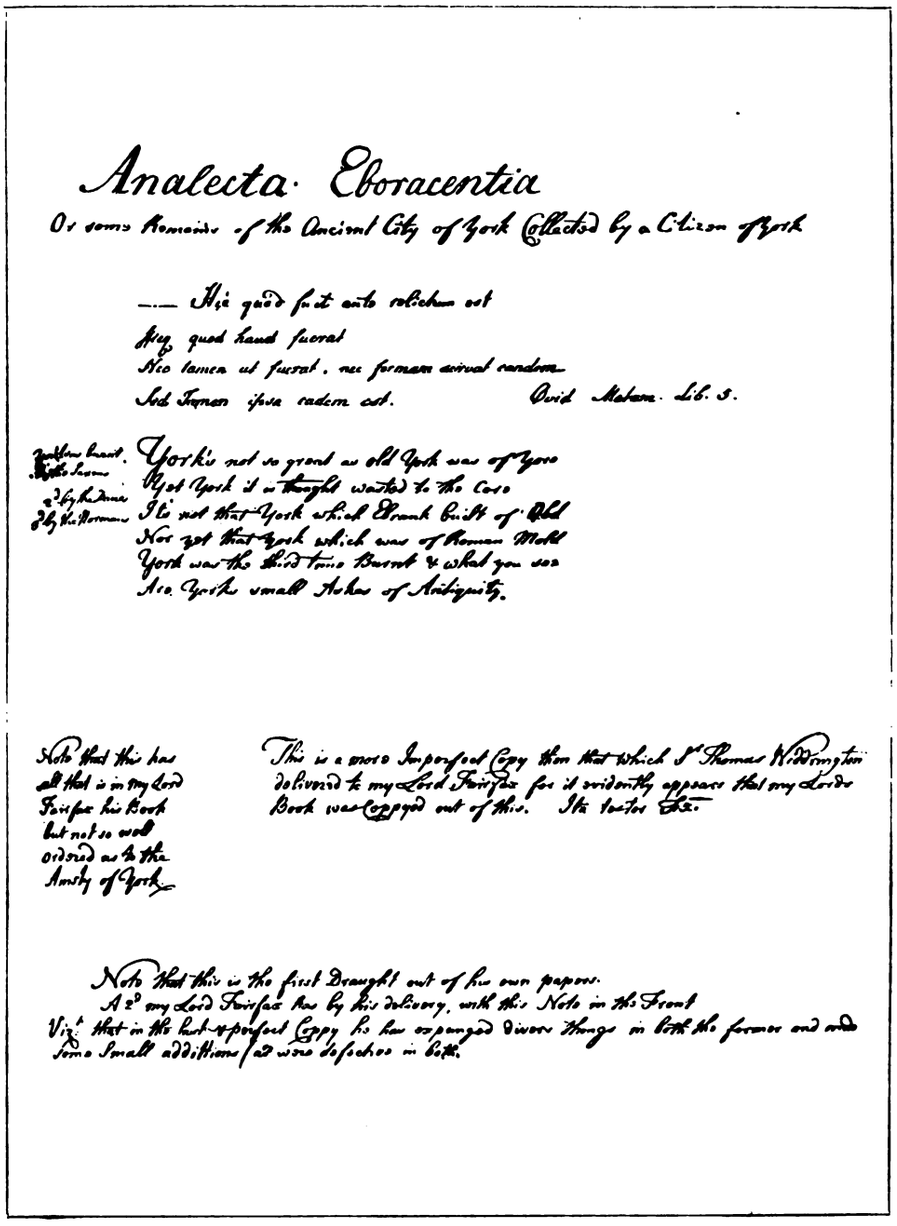
[1] Gough, *A Catalogue of Books relating to British Topography bequeathed to the Bodleian Library in 1797*, p. 327.

[2] For an account of this gentleman, see Davies, *Walks through York*, p. 238.

[3] *Vide* p. xviii.

[4] This MS. also contains a list of the Mayors, copied from a MS. belonging to Dr. T. White, of York.

[5] For particulars concerning Sir Robert Shaftoe, see *Notes on the family of Sir Thomas Widdrington*, p. xxii.



Analecta Eboracentia

Or some Remains of the Ancient City of York Collected by a Citizen of York

—— Hic quod fuit ante relictum est
Hic quod haud fuerat
Nec tamen ut fuerat, nec formam servat eandem
Sed Tamen ipsa eadem est. Ovid Metam. Lib. 3.

York is not so grand as old York was of yore
Yet York it is thought wanted to the Core
It's not that York which Brutt built of Old
Nor yet that York which was of Roman Mold
York was the third time Burnt & what you see
Are York small Relics of Antiquity.

Note that this has all that is in my Lord Fairfax his Book but not so well ordered as is the Amity of York

This is a more Imperfect Copy then that which S^r Thomas Widdrington delivered to my Lord Fairfax for it evidently appeares that my Lords Book was Copyed out of this. Ita testor &c.

Note that this is the first Draught out of his own papers.
A 2^d my Lord Fairfax has by his delivery, with this Note in the Front
Viz^t that in the last perfect Copy he has expunged divers things in both the former and adds some Small additions as were defective in both.

TITLE-PAGE OF THE BODLEIAN MS.

It is evident that this is a comparatively recent copy of the unrevised first draft of Widdrington's work.

Widdrington. No description of this copy has transpired, nor is its present possessor known to the lovers of Northern antiquities. Drake himself was not able to obtain access to this copy.

I have evidence of other copies having been in existence. Some of these were probably copies made from other copies. But it will serve no practical purpose to carry these investigations further. The fact that we have the MS. corrected by the author himself renders all other copies comparatively unimportant.

CHAPTER II.

Further Particulars of the Life of Sir Thomas Widdrington.

HAVING given this account of the manuscript of Sir Thomas Widdrington, it is needful to supply further particulars concerning the author himself. To have given these matters in the previous chapter would have overburdened it with irrelevant details.

Sir Thomas Widdrington was descended from the Widdringtons of Widdrington Castle, an ancient Northumbrian family. His paternal home was Cheeseburn Grange,[1] in the parish of Stamfordham, Northumberland, a manor which once belonged to the Priory of Hexham.

PEDIGREE.

Preliminary Notes.

The Widdringtons[2] were settled at Widdrington Castle before the Norman Conquest. They are memorialized in the ballads of *Chevy Chase* and the *Hermit of Warkworth.* They were styled Lords of Widdrington as early as Henry I, though it was not till 19 Charles I that they were created Lord Widdrington of Blankney, co. Lincoln, which title expired in 1715.

For pedigrees see:—Burke, *Extinct Baronetcies; Landed Gentry.* Banks, *Dormant and Extinct Baronage.* Hodgson, *Northumberland.* Foster, *Visitation of Northumberland.* Surtees, *Durham.* *Genealogist*, vol. i, p. 312. *Harleian*

[1] This estate passed through the female line to Ralph Riddell, the present Lord of the Manor being E. F. Riddell, Esq.

[2] Various ways of spelling the family name: Widderington, Witherington, Wdrington, Uddrington, Woderynton, Wodrington, Wytherington.

Society, vol. xvi, p. 348 : vol. xvii, p. 349. *Gentleman's Magazine*, 1853, vol. i, pp. 173, 280. Howitt, *Visits to Celebrated Places*, pp. 402-407. *Archaeologia Aeliana*, II series, vol. iii, p. 189.

Soon after 1300, scions from the parent stock began to root and thrive in various parts of Northumberland, and the adjoining counties.

At the London Visitation in 1634, Rowland Widdrington, of London, entered his pedigree from his grandfather Thomas Widdrington, of Ashington, the father of Lewis Widdrington, of Cheeseburn Grange. This is printed in *Harl. Soc.* vol. xvii, p. 349, and is as follows.

"WIDDRINGTON.

Faringdon W^th^in.

Thomas Widdrington, of Ashington, in Com. Northumberland. =

Lewes Widdrington, of Chesborne Grange, Com. Northumberland. = Katherine, daughter of William Lawson, of Little Vsworth, of the Bishopdricke.

1. Thomas Widdrington, Eldest son.
2. Henry.
3. Rowland Widdrington, of London ; liueing a° 1634.

4. Rafe.
5. Nicholas.
Katherin.
Ellen.

ROW. WIDDRINGTON."

THE FAMILY OF SIR THOMAS WIDDRINGTON.

Lewis Widdrington, of Cheeseburn[1] Grange, Co. Northumberland, gentleman (see above), descended from Widdrington of Widdrington. Will proved 1630. = Catherine, daughter of William Lawson, of Little Usworth. Cheeseburn Grange was left to her, by her husband, for life.

Sir Thomas Widdrington, Knt. He was executor to his father in 1630, being then at Gray's Inn. Died May 13, 1664. Arms : Quarterly, *arg.* and *gu.*, a bend *sable* : on the last a mullet for difference. = Frances, the third daughter of Ferdinando Lord Fairfax, 2nd Baron Fairfax, of Cameron, the Parliamentary General, by his first wife, Lady Mary, daughter of the Earl of Mulgrave. Died in childbed, May 4, 1649. There is preserved in *Analecta Fairfaxiana*, a MS. volume compiled by Charles Fairfax (brother to Lord Ferdinando), a poem, by Jo. Favour, apostrophising this last-named event. The lines are addressed to the bereaved husband. They are printed by Johnson, *Fairfax Correspondence*, vol. i, p. lxxx.

Four other sons and two daughters. See the pedigree above, entered by Rowland Widdrington.

a

[1] Various ways of spelling the name of this Manor : Chesburgh, Cheseburgh,

c

a |

Thomas, only son and heir, who died in his father's lifetime.

Dorothy, who died in 1649, aged 12.

Frances, who was married to Sir John Legard, Bart., of Ganton.

John Legard, Esq., of Ganton, descended from an ancient Norman family, and only son of John Legard, Esq., by Mary, daughter and heiress of John Dawney, Esq., of Potter Brompton, was created a baronet December 29, 1660. Sir John represented Scarborough in Parliament, and was amongst the first of those gentlemen, who, upon General Lambert's republican intentions being openly avowed, embodied themselves under the command of Lord Fairfax, and surprised York, in order to facilitate the march of General Monk out of Scotland. He married twice: first, Grace, one of the daughters of Lord Conyers, by whom he had a daughter; and, secondly, Frances, second daughter and one of the co-heiresses of Sir Thomas Widdrington, Knt., by whom he had four sons and two daughters, and, dying in 1678, was succeeded by his eldest son.—*Burke.*

Catherine, who was married to Sir Robert Shaftoe, Knt., of Whitworth, Durham.

Sir Robert Shaftoe was a Barrister of Gray's Inn: Admitted 1648; Barrister 1659; Ancient 1662; Bencher 1671; Autumn Reader 1673; Serjeant 1675.

The arms of Sir Robert occupy a compartment of the 4th window on the north side of the Hall of Gray's Inn — *Gu.*, on a bend *arg.*, 3 mullets *azure.*

He received the honour of knighthood at Whitehall in 1670. He was twice Recorder of Newcastle. On the first occasion he held the position from 1660 to 1685. He was reappointed in 1688. Died 1705.

Vide Surtees, *Hist. and Antiq. of Durham*, vol. iii, p. 295; also Douthwaite, *Hist. of Gray's Inn.*

Mary, who was married to Sir Robert Markham, Bart., of Sedgebrooke in Nottinghamshire, who was a descendant of Judge Markham, displaced for his integrity by Edward IV. In the British Museum *Add. MSS.* 18,721, pages 16-20,[1] there is an account of the death and burial of Lady Markham, written by Sir Robert in a pocket-book. She died on April 7, 1683.

Ursula, who was married to Thomas, Earl of Plymouth.

His lordship was created Earl of Plymouth on December 6, 1682, in consideration of the eminent services he had rendered to the royal cause, during the civil wars, when, even in his fifteenth year, he had commanded a troop of horse, and greatly distinguished himself at the battle of Naseby in 1645. He married twice: first Anne, daughter of Sir William Savile, of Thornhill, baronet. His lordship married secondly, Ursula, youngest daughter and co-heiress of Sir Thomas Widdrington, by whom he had four sons and five daughters; the eldest of whom, Thomas, was created Viscount Windsor, in Ireland, and Baron Mountjoy, in England (which honours expired in 1758). The Earl died in 1687.—*Burke.*

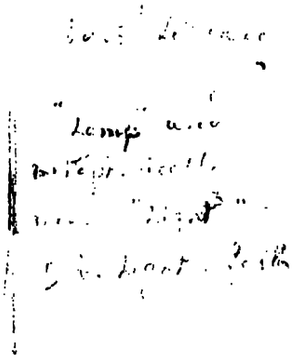
or Cheiseburgh; Chyseburgh; and Chisbourne. The earliest form is Cheseburgh. It appears in this form in *Calendarium Rotulorum Chartarum*, a° 1286 (printed in 1803), and again in 1298 ex *Rot. Cart.*, 27 Edward I. Cheiseburgh is found in 10 Elizabeth, 1568.

[1] "Ἐφήμερις: or a Diary Astronomical," etc., for the year 1681, "by John Gadbury". A *printed* book, interleaved, and used as a memorandum book by Sir

One of Sir Thomas Widdrington's earliest public offices was the Recordership of Berwick-on-Tweed. Afterwards, when Recorder of York, he represented Berwick in Parliament.[1]

One of the first events by which Widdrington became prominently associated with the City of York occurred in 1639. In that year the King, Charles I, made York the rendezvous of his army, being resolved to proceed to Scotland in order to put down the Covenanters by force of arms. Upon the entrance of his Majesty into the City, he was received at Micklegate Bar by the Lord Mayor in state. Sir Thomas Widdrington, being Recorder, delivered, upon his bended knees, an address to the King. This speech, though absurdly florid and fulsome in style, indicates the sincere interest of the speaker in the archaeological affairs of the neighbourhood. The speech was as follows:—

"Most gracious and dread Sovereign:—Be graciously pleased to pardon this Stay, that we the least and meanest Motes in the Firmament of your Majesty's Government, should thus dare to cause you, our bright and glorious Sun to stand. Give us Leave, who are the Members of this ancient and decayed city, to make known to your Majesty, even our Sun itself, where the Sun now stands in the City of York, which now, like an ill-drawn picture, needs a Name; a Place so unlike itself, that I may venture to say that Niobe was never so unlike Niobe; never old man so unlike himself being young, as is the City of York so unlike the City of York; heretofore an Imperial City, the Place of the Life and Death of the Emperor Constantius Chlorus, in whose Grave a burning Lamp was found many centuries of years after: the Place honoured with the Birth of Constantine the Great, and with the most noble Library of Egbert. I might go further, but this were only to shew, or rather to speak of ancient Tombs. This City was afterwards twice burned, so that the very Ashes of these Antiquities are not to be found; and if later Scar had not defaced our former glory, what was it truly in Effect of what we now enjoy? The Births, Lives, and Deaths of Emperors are not so much for the honour of York, as that King Charles was once Duke of York: your very Royal Aspect surmounts our former Glory and scatters our latest Clouds. It is more honour to us that King Charles has given a new Life, Nativity, and Being, by a



Robert Markham, Bart., of Sedgebroke, co. Lincoln; who has entered in it extracts from printed works of English history, private prayers, expenses, and genealogical notes respecting his own family. Paper; XVIIth cent.; in the original morocco binding. Octavo.—Vide *Cat. of Additions to the MSS. in the B. M. in the years 1848-1853*, p. 135.

The manuscript notes in this pocket-book were printed in 1869, edited by Clements R. Markham. The book is there wrongly quoted as *Add. 10,721* for *Add.* 18,721.

[1] He was elected for Berwick April 13 and Nov. 3, 1640 (the Long Parliament), April 25, 1660, and May 8, 1661.

most benign and liberal Charter, than that Constantine the Great had his first Being here. And as for the lamp found in the grave of Chlorus,[1] your Majesty maintains a Lamp of Justice in this city, which burns more clearly than that of Chlorus, and shines into five several counties, at which each subject may light a Torch, by the brightness whereof he may see his own Right, and find and taste some of that sweet and wholesome Manna, here at his own door, which drops from the Influence of your Majesty's most just and gracious Government.[2] So that if the Library of Egbert was now extant amongst us, that very Idea of Eloquence, which the most skilful Orator could extract out of it, would not be able to express what we owe to your Majesty, there being not any acknowledgments answerable to our obligations. For besides all this, the Beams and Lightnings of those eminent Virtues, sublime Gifts, and Illuminations, wherewith you are endowed, do cast so forcible Reflections upon the Eyes of all Men, that you fill not only this city, this kingdom, but the whole universe with splendour. You have established your Throne on the two Columns of Diamond—Piety and Justice ; the one gives you to God, the other gives Men to you, and all your Subjects are most happy in both. For ourselves, most gracious King, your Majesty's humblest and meanest subjects, Obedience, the best of sacrifices, is the only sacrifice we have to offer to your most sacred Majesty. Yet vouchsafe to believe, most mighty King, that even our works, such as they are, shall not resemble those sacrifices, whereout the Heart is plucked, and where, of all the Head, nothing is left but the tongue ; our sacrifices are those of our Hearts, not of our Tongues. The memory of King Charles shall ever be sacred unto us as long as there remains an Altar, or that Oblation is offered on Earth. The most devout and fervent prayers of your Majesty's daily Votaries, the poor citizens of York, are, and ever shall be, that the sceptre of King Charles may, like Aaron's rod, bud and blossom, and be an eternal Testimony against all Rebels ; and our most cheerful and unanimous Acclamations are, that King Charles may long live and triumphantly reign ; and that this kingdom may never want a King Charles over it."[3]

Although it would be manifestly unfair to hastily judge a man by one act or utterance, yet the matter and style of this address are so exceptional that, after perusing it, one is ready to endorse the censure passed upon Widdrington by the historian, who speaks of him as "fussy, pedantic, obsequious, and full of small ambitions."[4] It would appear, however, that the address was not wholly unacceptable to the King, for it was on this occasion that his Majesty conferred on Widdrington the distinction of knighthood.[5]

[1] See p. 31, note 4.

[2] These words refer to the Court of the Lord President of the North.

[3] For other speeches by Sir Thomas, see p. xxx.

[4] Markham, *Life of the great Lord Fairfax*, p. 390, note 1.

[5] An opposite view of the effect of this address on the royal mind has been expressed. "So false and fulsome an address could not be but repulsive to the acknowledged good taste of the King."—Johnson, *The Fairfax Correspondence*, vol. 1, p. 348.

To say that this accomplished lawyer was a time-server is to do his memory no injustice. When Charles was absolute, as we have seen, he did not demur to go down upon his knees and inform his Majesty that all his subjects were but "motes" in a firmament of which he, the monarch, was the resplendent sun! Later, when a member of the Long Parliament (1640-1653),[1] he subscribed to the Solemn League and Covenant, than which no act of the Parliament was more contrary to those tenets which the King regarded as most sacred and dear. In a few years the Presbyterians lost much of their influence, and the Independents became supreme. Sir Thomas at first had some scruples of conscience, but soon accommodated himself to the changed condition of affairs. He became a favourite of the Lord Protector, and accepted many preferments and honours from the Republican party. At the Restoration Sir Thomas found a place in the new and strongly Royalist Parliament, which met June 1, 1660, being returned by both York and Berwick. Widdrington was now advanced in age; he possessed wealth which placed him beyond the necessity of accepting any office for pecuniary reasons, and in his day he had worn some of the highest honours the State could confer. It would have been a graceful thing, therefore, if in the changed circumstances of the realm he had retired into private life. But he chose another path. Through influence at the new Court favour was shown to him, but it was of a scanty kind as compared with his former position and influence. Widdrington, in a spirit which has been characterised as "mean", readily, if not greedily, accepted these doubtful honours and faint praises. He possessed, both in his private life and in his professional capacity, good and great qualities, but as a public man he was a "trimmer", like so many of his contemporaries in those troubled and changeful times.

But we have travelled too fast. In 1648 Sir Thomas was appointed a Commissioner of the Great Seal, as shown by this minute:—

"*Die Mercurii* 15 *Martii*, 1647. An Ordinance of the Lords and Commons assembled in Parliament for committing the Great Seal of England into the hands and custody of Commissioners.—The Lords and Commons in Parliament assembled, do order and ordain, and be it ordained, that the Great Seal of England shall be

[1] Called together again for the last time in 1660.

committed to the custody and keeping of Henry Earl of Kent, William Lord Grey of Werke, Sir Thomas Widdrington, Knight, and Bulstrode Whitelock, Esquire, who are hereby ordained Commissioners for that purpose, for and during the time of the whole year, from the passing of this Ordinance,[1] which said persons are hereby constituted and appointed to be Commissioners for the custody of the said Great Seal of England during the time aforesaid; and they, or any two of them, whereof one member of the Lords' House, also one member of the House of Commons shall have, and are hereby authorised to have the custody and keeping, ordering and disposing thereof, as also all such and the like Powers and Authorities, as any Lord Chancellor, or Lord Keeper, or Commissioners of the Great Seal of England for the time being hath lawfully had and used, or ought to have had or used—

"JOHN BROWN, Cler. Parliamentorum; HENRY ELSINGE, Cler. Parliam. Dom. Com."

Towards the close of 1648, Widdrington was most active in promoting the affairs of the Parliament, and was frequently engaged in confidential consultations with Cromwell.

But when the "Rump" Parliament, in December of that year, appointed a Committee to prepare a charge against the King, Widdrington fled into the country in order to avoid being involved in so disagreeable a matter. Bulstrode Whitelock, who was a personal friend of Sir Thomas, thus narrates this episode.[2]

"26th Dec., 1648.—This morning Sir Thomas Widdrington and I being together, Mr. Smith, who was clerk to the Committee for preparing the charge against the King, came to us, with a message from the Committee that they required us to come to them this day, they having some matters of importance wherein they desired our advice and assistance, and that we must not fail them. I knew what the business was, and I told Sir Thomas Widdrington that I was resolved not to meddle in the business about the trial of the King, it being contrary to my judgment, as I had declared myself in the house. Sir Thomas Widdrington said he was of the same judgment, and would have no hand in that business, but he knew not whither to go to be out of the way, and that the Committee might not know whither to send to him. I replied that my coach was ready, and I was this morning going out of town purposely to avoid this business, and if he pleased to go with me, we might be quiet at my house in the country, till this business should be over, and I should be glad of his company. He immediately consented to go with me, and was not long in preparing himself for the journey."

On the same day that the "Rump" Parliament proceeded to nominate a High Court of Justice for the trial of the King, January 6, 1648-9, for levying war upon the people of England, it appointed

[1] Widdrington held the office till the death of the King.

[2] Whitelock, *Memorials of English Affairs*, p. 365.

a committee to prepare a design for a new Great Seal. This committee brought up its report on the 9th of the same month. A design was decided upon, and the matter was referred back to the committee to be carried out. The engraving of the seal was entrusted to Thomas Symons, who received the sum of £200 for his work. The new seal was brought to the House by Sir Thomas Widdrington and Bulstrode Whitelock, Esq., on February 8. The old seal, made when the King was at Oxford, was also produced and handed to the Speaker. The House enacted that this old seal should be forthwith destroyed. It was accordingly broken into several pieces, by a workman who was brought into the House for the purpose. These were delivered, with the purse, to Sir Thomas and Whitelock, to be disposed of at their pleasure. On the same day an Act was passed adopting the New Seal as the Great Seal of England, and making it high treason to counterfeit it.

After the death of the King (Jan. 30), Widdrington was ill at ease, and a few days later he accordingly rose in the House and desired to be relieved of the office of Commissioner of the Great Seal. There can be little doubt that the reason for this was the disquiet of mind he suffered in consequence of recent affairs. The reason he assigned was bad health. This was considered by the House to be an insufficient plea for vacating the post, and it declined to comply with his request. But Widdrington was determined to secure the relief he sought, and ventured to state that he was urged to press for the acceptance of his resignation by other circumstances also—conscientious scruples as to the manner in which the affairs of the land were being conducted. After considerable discussion on the matter, Sir Thomas was allowed to surrender the position, and in consideration of the faithfulness of his past services the Parliament conferred certain favours upon him, one being "a quarter's wages more than was due."

In December, 1651, Widdrington attended, as a member of the Council of State, the meeting held at the house of the Speaker to discuss the settlement of the nation after the battle of Worcester. The suggestion of Widdrington was that the third son of the King, the Duke of Gloucester, who had been the least embroiled in the affairs of state, should be made monarch with limited powers. How

Cromwell broke up the Council, and soon after turned the whole Parliament out of doors, is well known.

When Cromwell called his second Parliament in 1656, more than ninety duly elected representatives were not permitted to take their places, because of their known opposition to Cromwell's autocracy. Sir Thomas Widdrington was returned by the electors of York, and not only took his place in the new Parliament as a trusted supporter of the Protector, but was promoted to the position of Speaker. In the following year (June 26, 1657), Cromwell was inaugurated for a second time Lord Protector, with authority to name his successor, and to create a House of Peers, and received from each member of the Parliament the oath of allegiance. The event was signalised by all the paraphernalia of regal pomp and display, and Widdrington, as Speaker, was the chief functionary at these formalities.[1]

His speech was very fanciful, and treated of the "cloak of purple velvet, lined with ermine", the Bible, and golden sceptre, which had been provided for the occasion by a special order of the Parliament. A detailed account of this event has been preserved by a contemporary tract, entitled, *An exact relation of the investiture of the Lord Protector.* This pamphlet is made additionally interesting by a pictorial representation of the scene (see p. xxxi, par. 7).

In 1658 Sir Thomas became Chief Baron of the Exchequer. In 1660, when the Long Parliament reassumed the government, he was transferred from the Court of the Exchequer to be principal Com-

[1] A Presbyterian tract, published in 1657, complainingly refers to the emoluments and distinctions conferred upon Sir Thomas. It says: "Sir Thomas Widdrington, as Speaker of the House, has thirty-five pounds a week, which is one thousand eight hundred and twenty-nine pounds per annum; as Commissioner of the Treasury one thousand pounds per annum; in all two thousand eight hundred and twenty nine pounds; and hath besides for every private Act five pounds, and for every stranger that is naturalised or is made a free denison; and hath gotten for that already, as is supposed, one thousand and five hundred pounds. He is Recorder of York. Having these great engagements on him, he can do no other, if he be required, to put the King's old robe upon his Protector." This tract (63 pages) is entitled, *A Narrative of the late Parliament (so called), their election and appearing: the seclusion of a great part of them: the sitting of the rest: with an account of the places of profit, salaries and advantages, which they hold and receive under the present power, etc.* Published for the information of the people by a Friend to the Commonwealth, and its dear bought rights and freedom."

missioner of the Great Seal. Another honour conferred upon him must not be overlooked. Widdrington and Thomas Coghill became, by purchase, the owners of the Manor of Crayke, belonging to Durham Cathedral. At the Restoration this manor reverted to the Church again. By way of compensation for his loss, Widdrington was made Temporal Chancellor of the Province (Dec. 21, 1660).

About this time his official connection with York ceased. Soon after he had received the remorseless "sad complaint", Sir Thomas had a final proof that he was losing his hold upon the sympathies of the people of this city. In 1661 he failed to secure election as a member of Parliament for York, though he was elected by Berwick. He resigned the Recordership of the City of York in 1662. This was, without doubt, the result of his further "disgust" at the attitude of the citizens.

In 1663[1] Widdrington founded and endowed a free school for boys in the parish of Stamfordham. This school was reorganised under a scheme given by *Order in Council*, June 29, 1878, and new school premises were erected in the following year. The present yearly value of the endowment is about £170, with a house and garden for the master, and a small field in the village.

Sir Thomas Widdrington died in London in 1664, and was

[1] In this year we find the following rents were held in Northumberland by Sir Thomas:—

	£	s.	d.
Duxfield	20	0	0
Slealey Town	3	0	0
Colepitts	4	0	0
Whitchester	100	0	0
Eachwike	60	0	0
Heugh Towne	8	0	0
Hawkwell	8	0	0
Cheesebourne Grange	80	0	0
Nesbitt	80	0	0
Ouston	40	0	0
Keednall Lord'p	300	0	0
Cowpan	20	0	0
Whitehouse	40	0	0
Rough Lees	6	13	6
Heddon-on-the-Wall	30	0	0
	£799	13	6

buried in the chancel of St. Giles-in-the-Fields,[1] where, ten years later, a monument,[2] now demolished, was erected to his memory by his four daughters.[3]

The house occupied by Sir Thomas in York was removed early in the last century. The site of the mansion, now appropriated by two smaller houses, is in Lendal, exactly opposite the building known as Judges' Lodgings.

I am sorry to be unable to present a portrait of the author of *Analecta Eboracensia* as a frontispiece to this volume. When a diligent search for one in all other places failed, it was reasonable to anticipate success in turning to his home at Cheeseburn Grange. The present owner, however, assures me that there is no portrait there which can be identified as that of Sir Thomas Widdrington.

There are a few scattered literary remains of Sir Thomas Widdrington in the form of speeches, letters, reports, etc., but they are so fragmentary that they add nothing to his reputation.

I.—The following is a list of his extant speeches. A list of these is given in *Athenae Oxonienses*, but the one numbered 4 below is not mentioned there.

1. Speech to his Majesty, King Charles I, June 2, 1633, at Berwick-on-Tweed, when the King was proceeding to Edinburgh to be crowned. Sir Thomas was at this time Recorder of Berwick.—*Vide* Rushworth.

2. Speech to His Majesty, March 30, 1639, at York, when the King was marching with his army against the Scots.—*Vide* Rushworth.

3. Speech at a conference between both Houses of Parliament, July 20, 1641, at the transmission of the impeachment against Matthew Wren, D.D., sometime Bishop of Norwich, and afterwards Bishop of Ely. Printed on a single sheet.

[1] The interment took place May 16 (*vide* Register). The church, which had only stood about 100 years, was removed at the beginning of the last century, and was superseded by the present structure.

[2] Described as a neat white marble monument, on the north side of the altar. It contained the arms of Sir Thomas, and a long Latin inscription. *Vide* Parton, *Some Account of the Hospital and Parish of St. Giles-in-the-Fields*, p. 221.

[3] See the family table, p. xxii.

There is a copy B. M., E. 199 (4).—*Vide* also *Parl. Hist.*, vol. ii, pp. 861, 886.

4. Speech to His Majesty, March 18, 1641, at York, "what time His Majesty made his entry into Yorke, met by the Lord Maior".

Given in outline, in a letter, by Symon Rodes, Minister in York, to his brother in London, and printed, London, 1642. There is a copy, B. M., 669, f. 3, 61.

5. Speech at the swearing of His Honour Judge Rolle to the office of Lord Chief Justice of the King's Bench, Nov. 15, 1648, one of the six Judges who accepted commissions from the Commonwealth after the death of the King.

6. Speech to Oliver Cromwell, April 4, 1657, when the request of the Parliament was presented to Cromwell that he should accept the title of King.

7. Speech to Oliver Cromwell, June 26, 1657, at Westminster, when Cromwell was inaugurated Lord Protector.

The most interesting account of this speech is preserved in the tract, already named, entitled *An exact relation of the investiture of the Lord Protector.* There is a copy B. M., E. 1954 (4).

II.—A selection of the letters of Sir Thomas Widdrington is printed by Johnson, *Fairfax Correspondence*, and Bell, *Memorials of the Civil War*, the originals being preserved among the Add. MSS. at the British Museum.

A letter from his pen, containing a humorous hit at the way news slowly circulated in the middle of the seventeenth century, appears in Whitelock's *Memorials*, under date September 5, 1649.

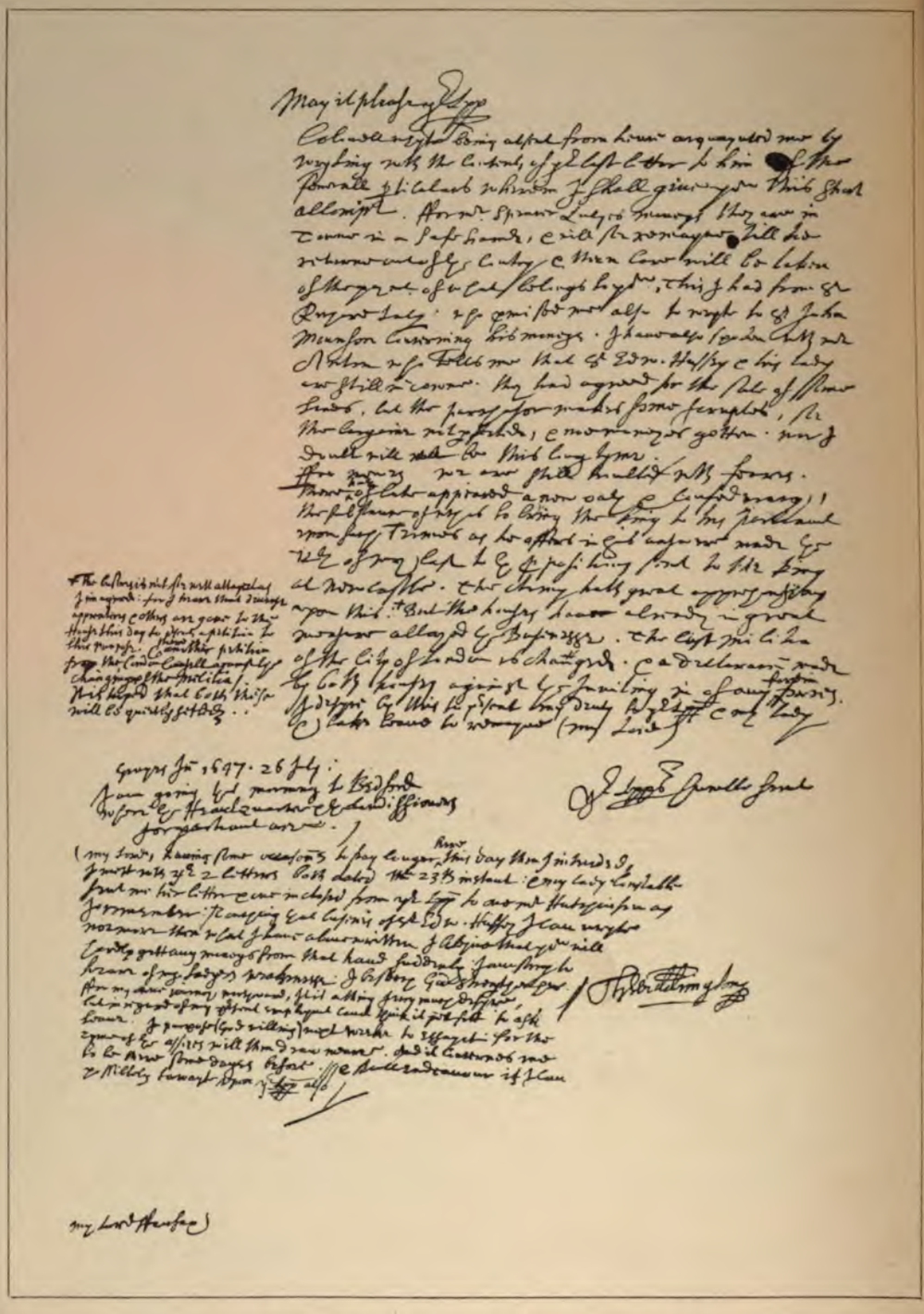
III.—It is worthy of notice that in the Appendix, p. 18, of Rushworth's *Historical Collections*, Part I, there are Reports of Arguments B. R. "taken by Mr. Widdrington of Gray's Inn."

IV.—Again, the long Latin inscription on the monument of Lord Ferdinando Fairfax (d. 1647), in the Church of Bolton Percy, is supposed to be the composition of Sir Thomas Widdrington.[1]

Biographical notices and notes of Sir Thomas Widdrington appear in :—

Rushworth, *Historical Collections*, from 1618 to 1648 (pub. 1659-1701).

[1] See p. 304.



A Letter by Sir Thomas Widdrington.

Printed: Bell, *Memorials of the Civil War*, vol. i, pp. 316-317.

Whitelock, *Memorials of English Affairs*, from the beginning of the reign of King Charles the First to the restauration of Charles the Second (pub. 1732). There are about forty references to Sir Thomas here.

Wood, A., *Athenae Oxonienses* (ed. 1721), vol. ii, p. 335.

Noble, M., *Memorials of the Protectoral House of Cromwell* (1787), vol. i, p. 427.

Fuller, J., *History of Berwick* (1799).

Johnson, G. W., *Fairfax Correspondence* (1848).

Bell, R., *Memorials of the Civil War* (1849).

Foss, *Judges of England* (1848—1864), vol. vi, pp. 513-518.

Markham, C. R., *The Great Lord Fairfax* (1870).

Douthwaite, W. R., *History of Gray's Inn* (1886).

Scott, John, *Berwick-upon-Tweed* (1888).

There are also notices in the early lives of Cromwell, the best biographical dictionaries, and the topographical works on Northumberland.

A few personal reminiscences of Sir Thomas are tabulated in the *Index*.

CHAPTER III.

Preface to the Present Edition.

I SHALL briefly indicate the general lines upon which this unique manuscript has been prepared for the press.

1. I have endeavoured to ratify all the author's numerous[1] references to manuscript authorities. In some cases it has been needful to make these references more complete, *e.g.*, p. 185, note 3, or p. 234, note 3. In other cases it has been necessary to give the correct reference where the reference given by Sir Thomas is wrong, *e.g.*, p. 177, note 1, or p. 218, note 4. In a few instances I have not been able to identify the quotation, *e.g.*, p. 264, note 3. *Vide* Index, under *Corrections.*

2. As a rule, the quotations from the Public Records are very correct (*vide* p. 250, note 1), but here and there it has been necessary to direct attention to a word, *e.g.*, p. 188, note 1, or p. 242, notes 7 and 8.

3. Whenever an incorrect reading has been detected in the MS., I have allowed it to stand, placing the correct word or letter in the notes, *e.g.*, p. 162, note 2, or p. 171, note 1, or p. 260, notes 2, 3, 4.

4. In the case of printed authors, Widdrington often quotes early and rare editions. In such circumstances, where necessary or advisable, I have given references to more easily accessible copies of the respective works.

[1] The references to the Patent Rolls, for instance, alone number about one hundred and fifty.

5. *Analecta Eboracensia* was in part published, from my transcript, in the *Yorkshire Herald.* Some of the citizens interested desired that when putting *Analecta Eboracensia* into permanent form, I should give an account and estimate of the authors quoted by Sir Thomas. Since the author designed his work for the citizens, I have thought it wise to accede to this suggestion. This course is indeed almost rendered necessary, because Sir Thomas attempts no criticism of his authorities, but throws the whole responsibility upon them. He tells us, at the outset, that he adopts the motto *Fides sit penes auctores* (*vide* p. 16).

Another request reached me in the same way. It was that a translation of the Latin quotations should be given. I have thought it well to accede also to this wish. A free translation of the charters, etc., will be found in the notes.

6. Nearly all the notes of Sir Thomas Widdrington have been incorporated with the text. Where, for some reason, this has not been done, his notes appear at the foot of the page signed T. W. In a few cases I have felt it necessary to extend the note, and in such places the T. W. marks the termination of the original note and the beginning of my addition. See p. 273, note 3.

7. One has only to read *Analecta Eboracensia* to know that Sir Thomas Widdrington was a lawyer, and devoted to his profession. Some chapters abound with law terms. All definitions of law phrases I have based on Cunningham's *Dictionary of Law Terms*, especially in those cases where the words are obsolete.

8. Sometimes Widdrington spells the same word three or four different ways in the course of a few lines. For some time I debated whether this capricious spelling of the seventeenth century should be preserved. Were this characteristic retained the work would be additionally interesting to some; but thus weighted, these chapters, which are at times by no means light reading, would be too heavy for the general reader to sustain. I have therefore eschewed all obsolete spelling, except in the case of proper nouns, and words used as proper nouns. I have amended proper nouns in such cases only where the word is offensive to the eye, and spelled without any regard to etymology.

9. Here and there a word is missing in the MS. Such words I

have supplied in brackets, *e.g.*, p. 230, line 14 from the bottom of the page.

I should like to add that I have not had the time at my disposal which I deem desirable for my task. The only time I have been able to devote to this undertaking has consisted of brief and far too infrequent pauses in an intensely busy life, and leisure secured by extending my days far into the nights.

In conclusion, I beg leave to acknowledge, with sincerest thanks, my indebtedness to E. Salisbury, Esq., B.A., of the Record Office; Francis B. Bickley, Esq., and J. A. Herbert, Esq., B.A., of the Manuscript Department, British Museum; and J. H. Cockburn, Esq., Solicitor, Rotherham, for many valuable suggestions made by these gentlemen. Nor do I forget the genial kindness of one who occupied a unique place in his knowledge of all archaeological matters concerning the North, and whose removal by death will be long lamented—the late Rev. Canon Raine. The deceased Canon was generously interested in my work, and afforded me assistance in many ways, visiting with me points of interest in the old city, and not hesitating to lend me manuscript notes from the great store amassed by him. His death was a personal sorrow, and for a time the event seemed to rob me of a powerful incentive to continue this work. The memory of my humble and respectful acquaintance with so good and learned a man is now a treasured influence in my daily life, for which, whatever words are used, I am sure to express inadequately the gratitude I feel.

The illustrations are almost entirely from my own negatives. The representation of objects in Oxford has been facilitated by the courteousness of Horace Hart, Esq., of the University Press. The west door of the Minster, and the two church doors (opp. p. 172) are reproduced from photographs by the late Mr. Joseph Duncan, of Minster Gates, who acquired an almost exhaustive collection of negatives of ancient doorways in and around the city. In compiling the plate of coins (opp. p. 181) I was favoured with the kind assistance of George F. Hill, Esq., M.A., of the Coin Department, British Museum.

CÆSAR CAINE.

St. Thomas's Day, 1896,
Ballaughton, Forest Drive West, Leytonstone.

Analecta Eboracensia:

OR,

SOME REMAYNES

OF THE

ANCIENT CITY OF YORK.

COLLECTED BY

A CITIZEN OF YORK.

Dedication.

♣ ♣

"Sic quod fuit ante, relictum est :
Fitque, quod haud fuerat."[1]

"Nec manet ut fuerat, nec formas servat easdem ;
Sed tamen ipsa eadem est."[2]

"York's not so great as old York was of yore,
Yet York it is, though wasted to the coare,
It's not that York which Ebrauc built of old,
Nor yet that York which was of Roman mold,
York was the third time burnt,[3] and what you see
Are York's small ashes of antiquity."

To the honourable the Lord Mayor of the City of York, and to the Aldermen, Sheriffs, Common Council, and Citizens of the same City,

MY LORD MAYOR AND GENTLEMEN,—I shall not tell you what time I spent in gathering these fragments, but assure you I spent no time at all to consider to what persons I should direct them. Most of the things concern you, and the rights of the city, with the government whereof you are trusted. The Dedication hereof is as proper to you as Tully's book, *De Senectute*[4] was to an old man. No persons are so

[1] Ovid, *Met.*, lib. xv, l. 184 (Fab. iii). "Thus what was before is past ; and that which was not now exists."

[2] *Ibid.*, l. 170 (Fab. iii). "It neither remains as it was, nor keeps the same forms, for all that it is the very same."

[3] York was burnt by the Saxons, the Danes, and the Normans.— T. W.

[4] Marcus Tullius Cicero, *De Senectute.* This dialogue on old age was suggested to Cicero by the opening of Plato's *Republic*, which touches upon the enjoyments

fit for this frontispiece as yourselves, for whose cause they were collected; and the rather also because if anything be mistaken, wanting, or omitted, you are both able to correct or supply it.

I will acknowledge now, in the beginning, that which is usually set at the end of imperfect pieces, *Multa Desunt.* And really I have not taken in all to this, which I have met withal, for I have done with these materials, which I have found, as the poet Virgil did with the verses of Ennius[1]—*Pauca ex multis, et optima ex illis paucis eligenda* (few out of many, and the best (as my weak judgment would serve me) out of those few). Nor have I found out all, yet I was not discouraged by that from doing what I have done. He, that cannot see so far nor so clearly as Lynceus did, must be content with that eye-sight which he hath.

I thought fit to put it into an English habit considering the persons for whom I chiefly intended it, lest it might be said of it as Aristotle said of his *Acroasis*, "It is published, and not published", *i.e.*,[2] to the advantage of those for whom I design it.[3]

The dial of this city hath a long time gone backward, and many special pieces of antiquity are already mouldered to dust, and I was doubtful that the small scattered remains of it might also in time vanish (cities as well as persons being subject to mortality),

peculiar to that period of life. The treatise, particularly in the case of early English translations, has been, not infrequently, referred to as Tulley's, Tully's, or Tulle's essays, etc. Caxton printed a translation under the title of *Boke of Olde Age of Tulle.*

[1] Ennius is frequently imitated, and also quoted verbally by Virgil. The *Aeneid* supplies many illustrations of this, as for instance, vi, 846 :—

"Unus qui nobis cunctando restituis rem."

This is taken from the well-known lines of Ennius, A. 9, fr. 8, preserved by Cic., *Off.*, i, 24, and others :—

"Unus homo nobis cunctando restituit rem :
Noenum rumores ponebat ante salutem :
Ergo postque magisque viri nunc gloria claret."

Donatus, a commentator on Virgil, who wrote about the beginning of the fifth century, says that he spoke of borrowing from Ennius as gold taken from a dung-hill.

[2] This arrangement of the sentence is necessary, though the MS. shows no punctuation.

[3] Upon Aristotle publishing a certain work, Alexander, his once pupil, was jealous, lest he should not be able to maintain his mental superiority over others, in which he gloried more than in his conquests. Aristotle assured Alexander that the work would be useless in the hands of any except those instructed in philosophy by Aristotle himself. The correspondence was preserved by Andronicus of Rhodes.—*Vide* Plutarch, *Alexander*, c. vii.

which gave an edge to my desires and endeavours to preserve the memory of those things from the injury of time in such a way, as this poor confused pamphlet can afford.

It is not unprofitable for us to know the passages of former times, nor can it be any regret unto us to hear that our predecessors were rich and great, though we ourselves be little and poor. But it is rather a shame and reproach unto us to be ignorant of the ancient rights of the city. An Egyptian priest told Solon that the most ancient Greeks of his time were but babes and children, because they could tell nothing beyond their own and their fathers' memory. It was a foul shame to the men of Syracuse, a city of Sicily, that they could not tell Cicero the place of the sepulchre and monument of their famous Archimedes though it were amongst them, which he, being a stranger, could do.[1]

As it has been my care in this to recount things, privileges, and persons, which conduce to the honour of this ancient city: so I have not concealed the misfortunes and miscarriages of our predecessors. The memory of the obliquities is peradventure as useful, though not so pleasant, as that of the former. Herein, as also in those matters which relate to the possessions or rights of other persons within the body of this city, I have dealt clearly and impartially. I cannot, nor will not, do the city right by doing wrong to others. My love to the city set me upon this work, but it cannot carry me beyond, or besides, the bounds of truth, so far as the light, or the glimmerings thereof, have appeared to me.

I have touched little in this upon the present government of the city or things lately acted. Things fresh in your memories need not a remembrancer. Though we cannot but see poverty rushing in upon us as an armed man, or this city, if you please, in a deep consumption, there being a decay in the vital parts of trade, commerce, and confluence, yet I may say thus much without adulation or ostentation, that the present government of the city is very com-

[1] Cicero narrates, *Tusculanae Disputationes*, Bk. v, c. xxiii, that, when he was Quaestor in Sicily, 75 B.C., he found the monument which had been on the tomb of the great mathematician, near Syracuse. The site was overgrown by shrubs and briars, and had been entirely forgotten by the Syracusians. Indeed, it was not until the spot had been cleared by workmen that a satisfactory examination of it could be made. This praiseworthy antiquarian search was adequately rewarded. Not only was the monument recovered—a sphere and cylinder—but the inscription, with the latter part of the verses effaced, was found on the front base of the pedestal, and deciphered. Leland similarly complains that at Malmesbury they had nearly lost all remembrance of William the historian, the brightest ornament of that monastery.



XIV. CENTURY REPRESENTATION OF YORK.

Opp. p. 7.



XIV. CENTURY REPRESENTATION OF YORK.

Opp. p. 7.



Note on the Illustration:

AN EARLY REPRESENTATION OF YORK.

I have taken this from B. M. *Bib. Reg.*, 13, A. iii, f. 32. This volume is a 14th-century MS. of Geoffrey of Monmouth, with flourished initials in red and blue, and numerous drawings of persons and places. The ancient writer of this book cannot be charged with filling up his margins with purely imaginary or fancy sketches. Some of the drawings display a surprising correctness. In his drawing of Ebrauk, here reproduced, the east end of the Minster will be recognised at once. This drawing is perhaps the earliest architectural representation of York in existence.

On the first page of this MS. there is the name of PONTICVS VIRVNIVS or LODOVICO DA PONTE, a commentator on the classics, who was born at Belluno 1467, and died at Bologna 1520.—C. C., ED.

Testimonials and Elegies of the City of York.

♣ ♣

MATTHEW of Westminster[1] says that in the third period[2] of the world Brutus[3] built a city upon the River of Thames and gave it the name of Troja Nova, which afterwards by corruption of the word was called Trinovantum.[4] The same author tells us that in the fourth period[5] of the world, in the time when King David did reign in Judea, Ebraucus, the son of Mempricius, did build a city beyond Humber, which he called from his own name Caer Brauk—the city of Ebrauk.[6] Sylvius Latinus did then reign in Italy. Again, the same writer[7] says that in this fourth period, but somewhat later, the City of Rome

[1] In *Flores Historiarum* (14th century), which has gained him the name of *Florilegus*, and which comes down to the close of the reign of Edward I. The early portions of this history are little more than a collection of legends and quasi-miracles. After this point, the work begins to be really valuable. Sir Thomas would have access to three editions, 1567 (an incorrect edition), 1570, and 1601. Of course, the best edition (three vols.) beyond comparison, for consultation now, appears in *Chronicles and Memorials of Great Britain.*

[2] This would be about 1100 B.C., *Chron. and Mem. G. B.; Flores Historiarum*, vol. i, p. 25.

[3] The story of Brutus and the descent of the Britons from the Trojans is unknown to the historians of Greece and Rome. This legend first appears in the romantic creations of Geoffrey, Archdeacon of Monmouth, and afterwards (1152) Bishop of St. Asaph. He does not profess to be an independent collector of materials, and a historian in the strict sense of the word, but principally the translator of an ancient history originally written in the British tongue.—Geof. Mon., *Historia Britonum*, Bk. I, c. i. See also page 23, note 2.

[4] *Vide* Geof. Mon., *Hist. Brit.*, Bk. I, c. xvii.

[5] About 1055 B.C., *Chron. and Mem.; Flores Hist.*, vol. i, p. 31.

[6] This is found first in Geof. Mon., *Hist. Brit.*, Bk. II, c. vii.

[7] *Chron. and Mem.; Flor. Hist.*, vol. i, p. 43.

was built by the twin brothers Remus and Romulus. *Certabant fratres Romam Remamne vocarent.*[1]

From these facts it appears that London and York are both more ancient than Rome.

Circa 1140, Joannes Sarisburiensis[2] in *Polycraticus*,[3] lib. VIII, c. xix :[4]

"Ibi, sicut Orosius et alii historici referunt, apud oppidum Eboracum (Severus) morbo obiit. Siquidem Britannia veneno semper exhorruit, et in principes non novit, sed pro suis principibus invictos gladios exercere. Praefatum vero oppidum, in id virium et temeritatis, temporis processu excrevit, ut urbibus antiquis audeat se conferre. Hoc ei forte tanti Imperatoris contulit sepultura."[5]

Joannes Picardus,[6] Bellovacensis Canonic., in *Annotat. ad Ep. Anselmi ad Gerardum Archiepiscopum Ebor.*, etc., lib. III, 121 ;[7]

"Eboracum vero, Anglice Jortz,[8] Gallice York, est urbs celeberrima, insulae Anglicanae ad Aquilonem inter Uscam et Fossam flumina, quae ipsam praeterlabuntur civitatem, ac inde simul juncta Humbrum influunt."[9]

Paulus Jovius,[10] Episc. Nucerinus, in *Descriptio Britanniae, Scotiae, Hyberniae, et Orchadum* ;[11]

"In hac (viz. Northlandia) Urbs Yorca summam obtinet claritatem, Eboracum antiquis dicta, victricis legionis sede, et Severi Imperatoris

[1] "The brothers strove whether they should call (the city) Roma or Rema."

[2] John of Salisbury was born about 1110.

[3] A lengthy and celebrated philosophical work.

[4] *Vide* Giles, *Patres Ecclesiae Anglicanae.*

[5] "There, as Orosius and other historians relate, he (Severus) died from disease at the town of Eboracum. * * * * Indeed, the aforesaid town has grown, in process of time, in vigour and enterprise to such an extent as to aspire to rank with the cities of antiquity. The burial here of so great an Emperor perhaps conferred this distinction on it."

[6] Died 1617; to be distinguished from the astronomer priest of the same name.

[7] *Anselmi . . . opera omnia . . . studio . . . J. Picardi, etc.*, (pub. 1612). Epist., lib. III, fol. 147, col. 2.

[8] *Sic.* The word also stands thus in Picard's *Notes.*

[9] "Eboracum indeed, English Jortz, French York, is a most famous city in the north of the island of England, lying between the rivers Ouse and Foss, which flow through the city itself, and thence united run into the Humber."

[10] Bishop of Nocera, historian and *littérateur :* 1483-1552.

[11] Ed. 1548, p. 11a.

morte insignis. Ab Eboracense Archiepiscopo et totius Scotiae et Orcadum Insularum Praesules sacra petebant, sicut nunc petuntur a Scotis, tanquam a Primario universae Britanniae."[1]

William of Malmesbury[2] records that Alcuinus, the great honour of this city,[3] being with Charles the Emperor in France, in his epistle, *Ad Eboracenses*, writes thus:—"Civitas Eboraci caput est totius regni."[4]

William of Malmesbury gives the following testimony of it: "Secundae post Cantuariam dignitatis est Eboracum, urbs ampla et metropolis elegantiae Romanae praeferens inditium. A duabus partibus Husae fluminis edificata includit in medio sinus sui naves a Germania et Hibernia venientes."[5]

[1] "In this (viz., in North-land) the city of York, called by the ancients Eboracum, obtains very great renown as the seat of the Victorious Legion, and also through the death of the famous Emperor Severus. The Bishops of all Scotland, as well as of the Orkney Islands, used to seek consecration from the Archbishop of York (as they now seek it from the Scottish Archbishops) as though he were primate of the whole of Britain."

[2] William (B. 1095, D. 1150), librarian and precentor of the Monastery of Malmesbury. The works ascribed to him number more than a score, the best known being *Gesta Regum Anglorum* and *Historia Novella*. The former closes at 1125. His *Modern History* continues the story to 1142. He is regarded as having a worthy if not an adequate conception of the responsibilities of the historian. He coveted the position of successor to Bede (674-735), and so far did he attain this ambition, that he is placed, in order of time, as the second important historian of England.

[3] Albinus Flaccus Alcuinus (English name, Ealhwine) was born about 735 in York. He was educated by Egbert, Archbishop of York. Upon the death of Archbishop Aelberht, Egbert's successor, Alcuin was made head of the school or University of St. Peter, a position formerly occupied by the Archbishop. He was induced by Charles the Great to forsake Northumbria for France in 782, where the abbeys of Ferriéres, Troyes, and St. Martin at Tours were conferred upon him. Here he died in 804. He was a great educationalist and a voluminous writer. For further references to Alcuin see *Index*.

[4] "The City of Eboracum is the head of the whole kingdom!"

Reference is here made to a letter by Alcuin to King Ethelred (A.D. 793) in which he speaks of a calamity coming from the north—the Danish invasion.—*Chron. and Mem.; Willelmi Malmesbiriensis Monarchi gesta Pontificum Anglorum*, Prolog., Bk. III (p. 209).

[5] "Eboracum is the second in dignity after Canterbury, a large city and a metropolis, affording evidence of Roman splendour. Built on the two banks of the river Ouse, it receives into its very centre (haven) ships coming from Germany and Ireland."—Will. Malmes., *Gesta Pontificum*, Prolog., Bk. III (p. 208).

John Leland,[1] in his commentary *Cygnea Cantio*, saith thus: "Eboracum Regina Aquilonaris Britanniae urbs."[2]

John Johnston,[3] poet, of Aberdeen, says:

"Londinum caput est, et Regni urbs prima Britanni,
Eboracum a prima jure secunda venit."[4]

[1] Chaplain, Librarian, and Royal Antiquary to Henry VIII.

[2] The complete passage is: "Hinc properat Eboracum reginam Britanniae aquilonaris urbem ubi orientem versus Fossam amnem Calerterii nemoris alumnum placido accipit alueo." *Vide* Leland, *Commentarii in Cygneam Cantiorem*, etc. Londini, MDXLV, unpaged. Translation: "Hence it reaches York, the Queen City of Northern Britain, where, towards the east, it receives into its placid bosom the Foss, a tributary river from the Forest of Galtres."

[3] John Johnston (B. 1570, D. 1611) held the Divinity Chair of St. Andrews from 1593 till the year of his death. He appears to have been an epigrammatist rather than a poet, for although his epigrams are neatly turned they lack poetic quality. His chief work consists of a series of epigrammatic addresses to the Scottish Kings. He also contributed some epigrams on Scottish towns to Camden's *Britannia*.

[4] The whole passage runs:—

"Praesidet extremis Artoae finibus orae
Urbs vetus, in veteri facta subinde nova;
Romanis aquilis quondam ducibusque superba,
Quam post barbaricae diripuere manus.
Pictus atrox, Scotus, Danus, Normannus et Anglus,
Fulmina in hanc Martis detonuere sui.
Post diras rerum clades, totque aspera fata,
Blandius aspirans aura serena subit.
Londinum caput est, et Regni urbs prima Britanni,
Eboracum a prima jure secunda venit."

These words have been thus rendered:—

"O'er the last borders of the northern land,
York's ancient towers, tho' oft made new, command.
Of Rome's great princes once the lofty seat,
'Till barbarous foes o'erwhelm'd the sinking state.
The Picts, the Scots, the Danes, and Normans, here
Discharg'd the loudest thunders of the war.
But this once ceas'd, and every storm o'erblown,
A happier gale refresh'd the rising town.
Let London still the just precedence claim,
York ever shall be proud to be the next in fame."

This verse is introduced by Philemon Holland into his edition of Camden's *Britannia* (published 1610) with these words: "And now for a conclusion have heere what Mr. John Jonston of Aberden hath but a little while since written in verse of York," etc. The verse was originally published in 1607.

Mr. Camden says:—"This is the second City of England, the fairest of all this Country, and a singular Safeguard and Ornament both, to all the North parts. A pleasant place, large and stately, well fortified, beautifully adorned, as well with private as public buildings, rich, populous. And to the greater dignity thereto, it hath an Archiepiscopal See."[1]

According to *Polychronicon*,[2] "The City of York seemed as faire as the City of Rome till it was burned by William the Conquerour."[3]

In the statute of 34 Henry VIII, cap. 10, entitled, "The Assize of Coverlets made at York," the words of the preamble are:—"Whereas the city of York being one of the antientest and greatest cities within the Realme of England, afore this time hath been mayntayned and upholden," etc.

Thomas Stubbs, in *Actus Pontificum Eboracensium*, f. 1686, says:—"Eboraca vero et ipsa totius Aquilonaris et Septentrionalis Britanniae

[1] *Vide* Camden, *Britannia*, First Edition, 1586, p. 407. Sir Thomas takes his translation from Philemon Holland, fol. 701.

[2] The passage referred to is as follows:—"Eboracum urbs est ampla ex utraque parte amnis Ouse constructa, Romanae elegantiae praeferens indicium, quousque rex Angliae Conquaestor Willelmus illam cum adjacente regione, incendio deformaret: ita ut, si modo eam viderit peregrinus ingemiscat; si vetus incola non agnoscat." An early English translation in the *Harleian MSS.*, No. 2261, thus expresses the passage: "The cite of Yorke is large and edifiede on either side of Owse as after the cite of Rome, un tylle that William Conquerour deformede hit thro brennenge; and if a man scholde see hit now, considrenge what that cite was a fore tyme, hit scholde move him to be soory."—Vide *Chron. and Mem.*; R. Higden, *Polychronicon*, vol. ii, p. 62.

[3] R. Higden, the author here quoted, was a monk of the abbey of St. Werburgh, in Chester, and died in 1363. His chronicle is an universal history of the world, from the Creation to the time of Edward III. As an independent authority it is not of much value; but it was the standard history of its day, and shows the condition of historical and geographical knowledge at that time. Its popularity is proved by the fact that, besides circulating largely in Latin, it was translated into English. The translator was John de Trevisa, chaplain to Lord Berkeley, who completed his work in 1387. On the invention of printing, Trevisa's translation was printed by Caxton, in a slightly modernised form, in the year 1482.—From *B. M. Cat.*

civitas principalis, omniumque in eo coeli tractu urbium antiquissima, multarum inundatione rerum erat celebratissima."[1]

The marriage of King Edward III with the Duke of Hainault's daughter, also the coronation of the Queen, was at York in the year 1327. There was Sir J. de Hainault, and a great court kept by the King, the King being attended with 500 knights, and the Queen with 60 ladies. There were, as some writers observe, the King and Lords at York for the space of six weeks, and in and about the city above the number of 60,000 men of war, yet victuals of all sorts were so very plentiful that they were not the dearer.[2]

I shall only say to York (*mutatis mutandis*) what Du Bartas[3] said to the old French poet:

> "Thee (poore York) I esteem as an old Colosse,
> All soyled, all to broke,[4] all overgrowne with mosse,
> Worn picture, tomb defaced, not for fine work, I see,
> But in devout regard of thine antiquity!"

[1] "Eboracum was, on the other hand, itself the principal city of all the northern and northernmost parts of Britain, and the most ancient of all the cities under that part of heaven, and most celebrated for a flood of reasons."—*Chronica Pontificum Ecclesiae Eboraci*, Autore Thoma Stubbs Dominicano, in TWYSDEN, R.: *Historiae Anglicanae Scriptores X*, pub. 1651-2. The passage appears in column 1686, lines 49-52.

[2] Widdrington says he takes this from Froissart. FROISSART, J.: *Chronicles of England*, Lord Berners' translation (pub. 1523), in chapter xvi, reads: "For al the tyme of vi weekis that the kyng and the lordis of Inglande, and mo than LXM men of warre laye there, the vitailes were neuer the derer, for euer they had a peny worthe for a peny," etc.

[3] Guillaume de S. S. Du Bartas was born in 1544, at Montfort, in Armagnac. He furnishes a most striking instance of the perishable nature of reputation founded on literary fashion. In his own time he was accounted so great a poet that his principal work, giving an account of the seven days of creation, passed through thirty editions in six years, was translated into Latin, Italian, Spanish, German, and English, and was praised by most of his literary contemporaries, including Spenser. To-day his name is all but proverbial for bad taste and barbarism of style, and his own countrymen treat it with contempt. Of the work just referred to, some one has said that it "is a dull encyclopedia of all that he knew".

[4] To broke = broken.



CHAPTER I.

The Antiquity, Names, and Several Conditions of the City of York.

Founded by NIMROD



T is an essay of great difficulty, and of an advantage not answerable, to deduce either nations, or great cities, from their first rise and original, especially for one who stands at a great distance, for it is not with them as with great rivers, where a man may be manuducted by the stream to the first spring. And yet in those, when he hath found that little inconsiderable well, or fountain, he will easily think the descent of that great river not more honourable, by the original, than that of a great giant from a pigmy. The beginnings of great cities are involved in the unknown dust of antiquity, and being past so many acts of oblivion, it is impossible to find out the first dust or atoms, it being without any marks of distinction.

As the work is difficult, so, peradventure, it would not add to our reputation to attain to the knowledge of these beginnings, they being, for the most part, not from very good springs. Nimrod, the first founder of a city, did build it by violence and oppression, and if that be true of great men which Seneca[1] cites out of Plato,[2] "Nullum regem

[1] Seneca: Epist. xliv.

[2] This *Plato ait* is an unsolved riddle to the commentators. Justus Lipsius, who presented to English students the first good edition of Seneca, has this note:—"Plato ait.] Ubi, alius dicet. Ego contra in eo legi: 'Reges ex regibus oriundos, donec ad Jovem origo revocetur.' *Alcibiade Primo.*"

non ex servis oriundum ; nullum servum non ex regibus.[1] Omnia ista longa varietas miscuit, et sursum deorsum fortuna versavit"[2]—it fares so also with great cities. Their primitive extraction was doubtless from some confused heap, and they often turned again unto the like chaos.

I shall not presume to enter into any curious inquisition, in this kind, of this city, nor to assign the birthday of it, which, though it wants not antiquity (if that may give any lustre to its happiness), yet that antiquity, being wrapped up in so much uncertainty, I shall not endeavour to abuse the credulity of the reader with a matter wherein I have no clear and indubitable grounds to work upon his belief. I shall offer such things anent this as I find in Annals, Records, and Histories—*Fides sit penes auctores.*[3]

I shall intrude nothing in evidence without a witness, and submit the truth to judgment, thinking it more congruous to right reason and ingenuity, for me, in this particular, to conclude with a sceptical consideration, than a peremptory resolution.

[Derivation of the name Eboracum.[4]]

(1) Some are of opinion that Ebrauk, the 4th or 5th King of the Britons,[5] the son of Mempricius, did lay the first foundation of this city, and that upon this occasion. He, having gained great wealth in the wars, built a city north from the Humber, and gave the name of Ebrauk, or Caer-Ebrauc, *i.e.*, the city of Ebrauk, to it. Florilegus, or Matthew of Westminster, saith, "At the time when the noble King David reigned in Israel this Ebrauk was King of Britain for 40 years. He was the first after Brutus, who went with a navy into France and returned with victory. He built this city and called it Caer-Brauk." Necham,[6] writing

[1] Sir Thomas quotes too much. The quotation, as it stands in Seneca, ends at *regibus*. The second sentence is Seneca's elaboration of Plato's sentiment.

[2] "No king ever arose except from among slaves, and no slaves except from kings. The process of time has confused all these conditions, and fortune has turned them upside down."

[3] "The responsibility must rest with the authors themselves."

[4] All the headings of the divisions and sub-divisions of this section are inserted, and numbered (in brackets), for the sake of clearness. Drake has adopted this part of the *Analecta* very extensively.

[5] The sixth reputed King of the Britons, *Geof. Mon.*

[6] Alexander Nequam, or Necham (12th century), was educated at the Abbey of St. Albans, and Paris, and became Abbot of Cirencester. His writings are numerous, and comprise a wide range of subjects, but he cannot be regarded as an historical authority.

of this city saith thus: "Visito quam felix Ebraucus condidit urbem."[1]

Some learned men by writing the second Latin vowel with an apostrophe in speaking it quickly, and the Italians, by inadvertency, have changed it into the fourth vowel, and for Eberacum write Eboracum, as for Edwardus they write Edouardus, and thereupon —— saith that Civitas Ebrauci is now corruptly called Civitas Eborauci. And learned Jo. Caius[2] saith that the name is changed in Evoracum and Eborum.

But I must leave it to judgement whether Ebrauc gave the first being to this city.[3] Polydore Virgil,[4] and others, write that he built Edinburgh, and Philip Bergomensis[5] that he built many cities, and that he had twenty wives, and by them twenty sons and thirty daughters, and reigned sixty years.

This Ebrauc did build a city near Carlisle called Alclud. Some say it is that which is now called Burgham, in the north country of Westmoreland, by Cumberland, and standeth near the river Eden.[6] It hath not of late years had the countenance of a city, but hath the

[1] "Behold what a city the blessed Ebraucus built!"—*De Laud. Div. Sap.*, l. 827.

[2] This eminent royal physician was born at Norwich 1510; died at Cambridge 1573. He published about a dozen scientific, critical, and antiquarian works. Vide *Ant. Acad. Cant.*

[3] So thoroughly did this legend receive acceptance in York in past days, that effigies of Ebraucus have been erected in the city. A stone is preserved in the Museum of the Yorkshire Philosophical Society bearing this inscription:—

"Here stood the image of York, and remeved, in the year of our Lord God A.M.VC. I (1501), unto ye Common Hall in the time of the mairalty of John Stockdale."

This tablet was found in the wall of the house which formerly stood at the corner of St. Saviourgate and Colliergate.

Gent says that in his day (1730) the statue of Ebraucus was kept in the Jury room of the Common Hall, but that prior to the building of the Mansion House (1726) it had stood on the site of that house (Gent, *Hist. York*, p. 173).

In 1738 a restored figure of Ebraucus was ordered to be fixed in a niche on the outside of Bootham Bar, which can still be traced.

[4] Polydorus Virgilius, an Italian priest, was sent by Pope Alexander VI to collect Peter-pence in England. He remained in the country and became Archdeacon of Wells in 1507. His *Historia Anglica* concludes with the reign of Henry VIII, but is not reliable.

[5] Foresti (Giacomo Filippo), an Italian historian, 1434-1520.

[6] This is a blunder, originated by an interpolation in Higden, *Polychronicon*.—*Vide* lib. i, c. xlviii. Alclud or Alcuith is recognised as the modern Dumbarton. Bede's description seems unmistakeable.—*Ecc. Hist.*, c. xii. Though this matter is drawn into the text by an error, it is preferable that it be not entirely ignored. The two following notes are added towards elucidating the paragraph.

name of Burgham Castle.[1] It was heretofore part of the possessions of the Barons Veteriponte or Vispontes,[2] and came to the Lord Clifford by the marriage of one of the daughters and heirs of Lord Vispontes, and is now enjoyed by the Rt. Hon. the Lady Clifford, Countess Dowager of Pembroke, Dorset, and Montgomery, the only daughter and heir of George, late Earl of Cumberland.

(2) It appears by Caesar and Tacitus that several colonies of the Gauls seated themselves, as in other countries, so in Spain; from whence again being disturbed by the Romans, Carthaginians, and other nations they were forced to seek new habitations, and might either first seize on the western part of middle England; or, from Ireland, that place not sufficing them, empty themselves into this island, where they might give the name Eboracum to York, from Ebora,[3] a town in Portugal, or Ebura in Andalusia, the former of which is to this day called Evora; to which if you add c, being in the

[1] Brougham Castle, or anciently Burgham, is identified as the Roman station of Brocarum, founded by Agricolo A.D. 79. The medieval castle was built, it is said, in part, out of the Roman remains. The estate was in possession of the Brougham family, of which Lord Henry Brougham was a late and conspicuous ornament, since Saxon days. In the time of King John (1199-1216), Gilbert de Burgham gave one-third of the estate to Robert de Veteriponte to relieve it of certain rights of seigniory over the manor, given to Veteriponte by William I at the Conquest. This grant included the site occupied by the castle, which was greatly enlarged, if not built, by Veteriponte. The ancient manor house remained in the hands of the Brougham family, and is known as Brougham Hall. The castle was in ruins in 1403 through the incursions of the Scots. In 1617 James I lodged here. The building was restored again by the Lady Clifford referred to by Sir Thomas, in 1651 and 1652. It was occupied by a garrison of foot in 1659. It fell into utter ruin early in the following century.

[2] The chief representatives of this house :—

1. Robert de Vipount, slain in 1085.
2. Robert de Vipount, who was living in 1107.
3. William de Vipount, who was living in 1203.
4. Robert de Vipount, brother of the said William, held the honour of Totnes 1165, *ob.* 1227.
5. John de Vipount, *ob.* 1242.
6. Robert de Vipount, *ob. circa* 1265, leaving Isabel, wife of Roger de Clifford, and Idonea, who married firstly Roger de Leyburne and secondly John de Cromwell, his daughters and heirs. — *Vide* Nicholas N. H., *Peerage of England*, p. 666.

The Roger de Clifford named above was slain in an expedition against the Welsh in the time of Henry III.—Burke, *Extinct Peerages*, art. Clifford, p. 122.

[3] Evora (anciently Ebora) lies 72 miles from Lisbon, and is one of the most interesting cities of Portugal. Quintus Sertorius took it 80 B.C. An aqueduct erected by him, and restored in modern times, still supplies the city with water.

ancient Gaulogifts a diminutive, you have Eborac, the rest (um) being a Latin termination. And of this opinion is George Buchannan.[1]

(3) If you will have it more immediately derived from Gaul, or Gallia Belgica, you may deduce it from the Eburones, a people that inhabited about Liège in the time of Caesar; who, possibly, might be transplanted hither, and gave it the name of Eburack, or Little York. There are also the Eburaici or Ebroaci (for it is read both ways) in Gallia Celtica, whose chief city Eboraicum, or Ebroicum, now Evreux,[2] in Normandy, favours exceedingly this etymology of York, and may very well augur a transplanting of the natives hither.[3]

[Derivation of the name York.]

(1) Verstegan in his *Book of the Restitution of Decayed Intelligence* says that the ancient Britons called the city of York Caer-Efroc. Our ancestors called it Everwick and Eberwick, which, by vulgar abbreviation, might come to Voric or Boric, and so lastly York. *Ever* or *Eber* is, in the ancient Saxon language, a wild boar (though the latter name be English also). *Wic* is a refuge or retreat, and it may be that it had of our ancestors this appellation as being the refuge or retreat from the wild boars, which, heretofore, might have been in the Forest of Galtres, which is within a mile of that city. And the more like it is for that there remains yet a toll called *Guyd-law*, which is for cattle at Bootham Bar, a gate of the city so called, and was first made for the payment of guides, which conducted men, belike to save them

[1] This historian is repeatedly quoted by Widdrington. Of Buchannan's history nineteen editions attest the value which succeeding generations have attached to it, but strange to say the last was published so far back as 1762. Judging him from a modern standpoint, his history lacks criticism in the use of authorities, and is unequal in merit. The three first books are considered the best portions.

[2] Evreux (anciently Mediolanum, and later Eburovices) is the capital of the French department of Eure, and is situate 67 miles W.N.W. from Paris. Extensive Roman remains exist in the vicinity.

[3] The etymology of this name has been a fruitful source of controversy. To the three suggestions given by Sir Thomas, others have been added. For instance, it is said to be made up of ABER (Welsh signifying the meeting of waters); AC (Celtic signifying field, as AGH in Irish, and AUCH in Scotch), and the Latin terminal UM. The name would thus signify the field at the meeting of the waters —an appropriate description of York. Among scholars two points have now received acceptation. (1) It is held that the Roman name was not derived from the British, but that the British Caer Ebrauk was derived from the Roman appellation. (2) Again, it is not improbable that the root of Eboracum is the name of a tributary of the Ouse, which once gave its name to the whole stream—the Eure. The question is one which cannot now be satisfactorily solved.

from being hurt by this cruel beast through the said forest. This is Verstegan's conjecture.[1]

(2) But some rather believe that the name of it is derived from the river Eure, so that the signification of the name amounts to this much —a city placed upon Eure; and so they, the Eburauci, a people of France, sat down by the river Eure, near to Evreux in Normandy, and from thence contracted their name. But it is true that the river Eure, which hath the name of Eure at Boroughbridge, 12 miles from this city, hath gained the name of Ouse, from a petty rivulet, which ariseth near a village named Ousburn, to which it hath given the name, and robbed the river Eure of its proper name. John Leland says that the river Nidd goeth into Eure, corruptly there called Ouse, at Nunmonckton. This city hath had several masters from whom it hath obtained several names. Ptolemy called it Brigantium, because it was the chief city of Brigantes. Nennius called it Caer Ebrauc. The Saxons, ЄVOR-ƿIC and ЄOFOR-ƿIC, that is Evorwick, or Eoforwick.[2]

(3) John Leland thinks thus, esteeming the river of Ouse for one of the rivers of Isis: "The river Ouse", says he, "arises in the farthest part of the little province of Richmond, at a place called Cotterhill or Cotterend. It passeth through divers places, and comes at last to Boroughbridge, and there is called Isurium, the name of Isis being preposed to Eure. Ptolemy,[3] speaking of the cities of the Brigantes, mentions this of Isurium, and so doth Antonine[4] in his *Itinerary*, but it came to nothing when the Danes destroyed all England, with fire and sword, *Nunc seges est et villa rustica ubi Isurium fuit.*[5]

"Here the ploughman frequently found the relics of some ancient

[1] Verstegan, Richard: *A Restitution of decayed intelligence in Antiquities; concerning the most noble and renowned English nation.* Published at Antwerp in 1605. It is a valuable and most interesting work treating of some of the ancient manners and customs of the Saxons; their idols, with plates of some of the principal; the invasion by Danes and Saxons; and some interesting chapters on the language. The book, however, must be used with care, as many mistakes have crept in. Fol. 108.

[2] Drake develops this at the end of his first chapter (p. 6).

[3] This eminent scientist of the ancients flourished in the time of Hadrian and the two Antonines. His geographical treatise continued to be the standard work, and the handbook of all the schools, until the fifteenth century, when the explorations of the Portuguese and other nations revolutionized this science.

[4] *Antonini Itinerarium*: This is an exhaustive Itinerary of the entire Roman world. It was completed before the death of Augustus, A.D. 14, but received considerable additions under Antoninus Pius (A.D. 138-161), and M. Aurelius Antoninus (A.D. 161-180).

[5] "Where Isurium stood there is now a cornfield and farmhouse."

walls, and some Roman coins. The name of the place is now Aldbrough, as much as to say, an old town. Now here is the difficulty, for the neighbours about here say that Ouse, a little below Boroughbridge, doth receive Eure, which seems not very probable, since Isurium anciently, as may be collected out of the very word, doth carry the name of both the rivers, and lesser rivers do many times give the name to the greater, as appears both in this and Thames. And the river after it is a little passed below Boroughbridge, the people affecting brevity, wholly leaving out Ure, hath taken up the first part of the name and called it Isis, vulgarly Ouse. And if a man shall fully consider the name Yorewik, which by contraction is York, he will understand that it hath taken that name from Isurewick, retaining the first letter and casting away the second, and changing the third letter into O (as Iorewic or Yorewic), which is soon thrown into York." So far goes John Leland.[1]

But I doubt I have gone too far in this, being a matter only conjectural, and wherein my guides profess little knowledge or certainty. And therefore I shall conclude with that which is certain, that it is called Eboracum in the *Book of Domesday*, and the modern name of it is York.

[The several Conditions of the City.]

Howbeit, I am not willing to go along with some historians who will not look into the original of this city beyond the time of the coming of the Romans to this island; yet it must be acknowledged that before that time the memory of it is very dark and obscure, or if it ever had any light it is now set under a bushel. Hardly any glimmerings of it are derived to us, which is not to be attributed only to the great distance and space of time between them and us, but also to the barbarousness and rudeness of the ancient Britons, and to a particular doctrine infused into them by the Druids, who were both their priests and judges, which was not to commit any of their dictates or actions to writing,[2] which

[1] Of this name, a less laboured origin than those given by Sir Thomas, is as follows:—The Anglo-Saxon name of the city was, with slight variations, Eoferwic, signifying, probably, the chief city. In Danish times this became contracted to Yorvik. How readily this could be reduced to York is very easily seen.

[2] "Magnum ibi numerum versuum ediscere dicuntur. Itaque nonnulli annos vicenos in disciplina permanent. Neque fas esse existimant ea litteris mandare, quum in reliquis fere publicis privatisque rationibus [Graecis] litteris utantur. Id mihi duabus de causis instituisse videntur: quod neque in vulgus disciplinam

is the grand preserver of things. Nennius,[1] himself a Briton, complains of this in the beginning of his *History*; so that what they were and what they did is in a great measure vanished with themselves. And those petty monuments, which they had, either of their country or their cities or towns, they appear not, but, as Gildas[2] writes, were either burnt by the fire of the enemies, or carried away by themselves when they were driven out. And some have observed that the small light we have had of any of the passages of those times hath been from the ancient Fathers of the Church, who did write in or near those times. So that little can be found or said herein, unless we could find a thread to guide us to our first bottom, or could happen upon such a discovery of things in the dust as Matthew of Westminster reports of those who found out the head of King Edmund (commonly called the Martyr) in the woods by a voice which cried unto them, "Here! Here! Here!"[3] This is not to be expected.

Where there is no penman to record the memorable acts and passages of times, the memory of them is swallowed up in the gulf of oblivion. In the first and second ages of the world there was nothing written to convey to our knowledge the memory of the first creation, or of the general deluge, till Moses, the Divine penman, did put the same into writing in the third age of the world. And so it is reported of Memnon in Egypt, and of Cadmus in Greece.[4] The memory of the Britons fell near this oblivion, for it does not appear from their first habitation that any man ever set forth the history of their beginnings, or wrote the lives of their kings except Gildas, whose book or epistle is rather a satirical lamentation, or a lamentable satire against the governors and the people than a history.

efferri velint; neque eos qui discunt, litteris confisos, minus memoriae studere. Quod fere plerisque accidit, ut, praesidio litterarum, diligentiam in perdiscendo, ac memoriam remittant."—Caesar, *Commentaries*, Bk. VI, c. xiii.

[1] Little is known of the author of this book, save that he wrote in the early part of the 9th century, and was a disciple of Elbodug, Bishop of Bangor. Nennius abounds with legends, but has preserved some valuable early material relating to the Saxon Conquest. See a review of Zimmer, *Nennius vindicatus*, by A. Nutt, in *The Academy*, Aug. 12 and 19, 1893.

[2] What has been said as to the uncertainties which envelop the life of Nennius, may be repeated, without reserve, concerning Gildas, who was also a monk of Bangor. He wrote, in the 6th century, an account of the occupation of Britain by the Romans, their departure, and the invasion by the Saxons. The book is interesting as the first attempt to write the history of Britain.

[3] This extravagant fable appears previously in William of Malmesbury.—*Reg. Ang.*, Bk. II, c. xiii.

[4] Reputed to have introduced the alphabet and writing into Greece.

Caesar writes that when he was here in England, the people could neither tell their lineage nor beginnings.[1] But Geoffrey of Monmouth, 1,000 years after the time of Julius Caesar, translated a British or a Welsh Book,[2] which contains the coming of Brutus, with the sequel of his lineage to the time of Cadwallader.[3]

It is not any part of my design to walk into the large and uncertain field of the story of the Britons, wherein some large discoveries, of late written, are extant. It would suffice me, if I could be so happy as to find out any footsteps of York, amongst the rubbish of the ruins of the Britons.

I cannot understand by any good authority that Samothees or Albiones[4] did inhabit this land, but take it for granted that these Britons were the most ancient inhabitants,[5] and enjoyed it in peace till Julius Caesar invaded them.

York was a city in the Britons' time, for the Romans found it so.[6]

I can find nothing of the ancient building of the city at that time. As for the houses of the ancient Britons, they were, I doubt, not much better than were those of those people of which Ovid the poet speaks :—

"Domus antra fuerunt,
Et densi fructices, et vinctae cortice virgae."[7]

[1] "Brittaniae pars interior ab iis incolitur, quos natos in insula ipsa, memoria proditum dicunt."—Caesar, *Com.*, Bk. v, c. xii.

[2] So Geoffrey states in his epilogue. Though some have contended that his "original book" was a history of the British Kings by St. Talian, Bishop of St. Asaph (*Cambrian Register*, 1796, p. 347), and others that it was merely a *Nennius* (Paulin Paris), the existence of any such original is very generally doubted. "Whether Geoffrey followed (or as he terms it translated) any regular book, or whether he collected materials and arranged them himself, can never be completely decided."—Ward, *Cat. of Romances*, vol. i, p. 218.

[3] The last King of the Britons. Disheartened by the Saxon Conquests, he renounced his kingdom, and retired to Rome 703, where he died.—*Vide* Rees, *Welsh Saints.*

[4] Usher, Arch., *De Antiq. Brit.*—T. W.

[5] This is taking too much for granted. The earliest Celtic invaders of these shores probably found the country already inhabited.—Rhys, *Celtic Britain.*

[6] The author here goes into a long digression respecting the early introduction of Christianity into Britain, and anticipates himself by giving some account of the Temple of Bellona, which stood in Eboracum in Roman times. To insert this would only lead to confusion. I have, with an explanatory note, transferred this to the Roman section, the better place for it. See page 32.

[7] *Metam.*, Bk. I, l. 121 (Fab. IV). "The houses were caverns and thick shrubs and twigs joined together with bark."

And themselves lived not at first in much better condition than those ancient people of which the poet writes :—

"Vestes quibus uda ferarum,
Terga dabunt, dumeta thoros coenacula rupes."[1]

Caesar and Strabo both write that the ancient Britons did call woods and groves which they had obstructed with firm trees, cities or towns. And afterwards, as Caesar writes, they had houses fashioned like the French, because they were, sometime, both of them, commanded by the same person.

Caesar in his *Commentaries* writes that the Britons knew not the building with stone, but called that a town which had a thick entangled wood defended by a ditch and a bank,[2] the like whereof our neighbours, the Irishmen, call a "fastness".

The Saxons, after them, were ignorant of the building with stone till the year 680, for it is affirmed that Benet, Abbot of Wirrall, now called Wearmouth, in the county of Durham, Master of Reverend Bede, first brought artificers of stone houses, and glass windows into this island.[3] *Polychronicon* alludes to this: "Then, they had wooden churches, wooden chalices, and golden priests; but since, golden chalices and wooden priests."

I will wander no further in this line of obscurity and darkness, but will proceed to the time of the Romans.

And I shall not, herein, trouble the reader, or myself, with the story of the Romans in this nation, but shall only, as preliminary to the following discourse, mention a little of it.

[1] "To whom the sleek hides of wild beasts furnish clothing, while the rocks and thickets supply them with corners wherein to feed."

[2] "Oppidum autem Britanni vocant, quum silvas impeditas vallo atque fossa munierunt, quo incursionis hostium vitandae causa, convenire consueverunt."—Caesar, *Com.*, Bk. v, c. xxi.

[3] Bede, *Lives of the Blessed Abbots Benedict, Ceolfrid, Eosterwine, Sigfrid, and Huudelberct.* In the life of Benedict he says :—"After an interval of not more than a single year from the foundation of the monastery (A.D. 674), Benedict crossed the ocean and passed into Gaul, when he made enquiry for masons who could build him a church of stone after the Roman style, which he always loved. These he obtained and brought them home with him, and such zeal in the work did he exhibit, that in the course of one year from the time when the foundation stones were laid, the church was roofed over. When the work was drawing to its completion, he sent messengers to Gaul to bring over glass makers (a kind of workman hitherto unknown in Britain) to glaze the windows of the church, and its aisles and chancels. And so it happened that when they came they not only accomplished that particular work which was required of them, but from this time they caused the English nation to understand and learn this kind of handicraft."

Julius Caesar was the first of the Romans that entered into this nation with an army. He had a prosperous battle, yet rather affrighted than vanquished the Britons, and Cornelius Tacitus writes :—" He may rather be thought to have shewed it than to have delivered it to posterity."[1] Horace seems to imply so much when he writes to Augustus, a succeeding Emperor, " Intactus aut Britannus ut descenderet Sacra catenatus via."[2]

Lucan, the poet, in his second book, *De Bello Pharsalico*, writes more boldly to the same purpose, which cost him his life,[3] in the time of Domitian Nero, " Territa quaesitis ostendit terga Britannis."[4]

However the case was upon this first entering, it is a truth undeniable that the Romans became, in time, perfect conquerors of the most part of Britain,[5] and Britain was accompted a predial province and appropriate to the Caesars as being a province annexed to the Roman Empire, after the provision of provinces ordained by Augustus. Britain had, by this time, lost her ancient inhabitants, or, at least, they were under a cloud, and the nation could hardly keep its old name, but must be called Romania instead of Britannia. One anciently speaking to Mars, Romulus, and Claudius under whom the first colonies were deduced into England, writes, " Cernitis ignotos Latia sub lege Britannos."[6]

Gildas writes, that it was so subdued, by the Romans, that the very name of the Roman servitude stuck to the soil thereof.[7] Prosper

[1] " Igitur primus omnium Romanorum D. Julius cum exercitu Britanniam ingressus, quanquam prospera pugna terruerit incolas, ac littore potitus sit, potest videri ostendisse posteris, non tradidisse."—Tacitus, *Agricola*, c. xiii.

[2] " That the Briton, hitherto unconquered, might go down the sacred way bound in chains."—Horace, *Epod.* VII, l. 7.

[3] The opposition of the Emperor to Lucan's sentiments caused the poet to join the conspiracy against Nero's life (A.D. 65). Lucan destroyed himself while under arrest.

[4] Lucan, *Phar.*, lib. II, l. 572. " Terrified, he shews his back to the Britons, whom he had sought out."

The passage has been rendered :—

> " With pride he sought the Britons, but when found,
> Dreaded their force, and fled the hostile ground."

I find this passage quoted by several old historians, *i.e.*, Geoffrey of Monmouth, Bk. IV, c. ix ; Richard of Cirencester, Bk. I, c. vi, par. 28, etc.

[5] Sir Thomas fails to mention Agricola, to whom is awarded the honour of constituting Britain a Roman province, and who both subjugated the Brigantes, and probably made Eboracum a walled city.

[6] " Ye perceive the unknown Britons under Roman rule !"

[7] *Gildas*, section 7.

Aquitanus[1] calls it "Romanam Insulam." And yet, be it remembered for the honour of Britain, that it never took the Roman customs and laws, as Gildas also observeth.[2]

At this time York became a Roman colony.[3] The sixth Roman Legion (Victrix) was placed in this city by Adrian, the Emperor, or as some will have it, this was the seminary, or seed plot of the city, or if not so, yet of the greatness of it.[4]

And because York became a Roman Legion (as many other great cities were in the overflowing of the Romans), as a further introduction to this chapter, I shall tell you what I learn from others touching the Roman Legions. Sir Henry Savile, in his notes on Tacitus,[5] says :—

"These legions were generally divided into footmen and horsemen, the number not certain, but changed, according to the difference of times and alteration of the state, the city of Rome itself, not being constant in the government, for it was first governed by Kings, then by the Senate and People, then by the Consuls and Tribunes, which was commonly called the Free State, or State of Liberty, and lastly

[1] A Christian writer of the early part of the 5th century. His works are printed in the *Migne Collection*, Tom. 51.

[2] *Gildas*, section 13.

[3] The first inscription from which it became known that Eboracum was a *Colonia*, was the stone coffin of Diogenes, a Sevir, or Sextumvir of the city. This coffin was found in February, 1579-80, about a quarter of mile to the west of the Walls of York. In the following century it was carried to Hull, and was used as a horse-trough at an inn called the Coach and Horses, in Beverleygate. All traces of the coffin have disappeared. It seems to have borne the following inscription :—

M. VEREC. DIOGENES. IIIIIIVIR COL.
EBOR. IBIDEMQ. MORT. CIVES BITVRIX
CVBVS. HAEC SIBI. VIVVS FECIT.

There is an engraving of this monument among the *Stukeley Letters* published by the Surtees' Society, vol. iii, p. 300.

[4] The principal relics of this Legion which have been found in and around York are the following :—(1) A funereal stone to a veteran ; (2) the coffin of a centurion ; (3) a small altar erected by a pilot of the Legion ; (4) portion of the pavement of a villa probably occupied by an officer ; (5) a coffin of a child, dedicated by a soldier ; (6) a tablet erected by a soldier in memory of his wife, son, and daughter ; (7) a dedicatory tablet to Serapis ; (8) numerous and varied tiles, and tile-constructed graves. These may be viewed in the Museum of the Y. P. S. Vide *Catalogue.*

[5] *The End of Nero and Beginning of Galba: Fower Bookes of the Histories of Cornelius Tacitus*, Ed. Henry Savile, MDLXXXXI. There is a long note at the end covering 25 pages, entitled, *A view of certaine militar matters, for the better understanding of the ancient Roman Stories.* Savile's notes are of little or no account now.

by the Emperors. A legion under the first Emperors consisted of 6,000 foot and 600 horse. The chief officer of the legion was called Legatus Legionis, who had charge both of horse and foot, under the Lieutenant-General of the Army, or Governor of the Province for the Emperor, which Lieutenant, or Governor, is commonly called, in the Roman story, Legatus or Propraetor, as the Governor of the Senate and the people was called Praeconsul. The inferior officers of the legion were the Centurion, the Ensign Bearer, etc.

"The footmen of the legion were equally divided into ten cohorts, or companies, whereof each one had a superintendent officer. The 600 horse in the legion were divided into ten troops, called Turmae, every legion containing three Decuries, or 30 horse, over whom were placed officers called Decuriones, that had every one their particular charge of ten horse. The chief officer of the troops was called Praefectus Turmae."

The additions of No. I, II, and VI, were given to the Legions at their first raising, and became afterwards surnames, as this of York, "The VI Roman Legion Victrix."[1] Thus doth Ptolemy call it, and Mr. Camden proves by a piece of money coined by the Emperor Severus, on the reverse whereof this is written:—

COL. EBORACUM LEGIO VI. VICTRIX.[2]

The poet Claudian, when he reckoned up all the aids[3] sent

[1] The author does not mention that the IX Legion, which came into Britain A.D. 44 with the Emperor Claudius, was also quartered in York. This omission is owing to the fact that the relics of the IX Legion were unearthed subsequently to the writing of *Ana. Ebor.* For a historical sketch of this legion in Britain, see *Martial Annals of the City of York*, pp. 17-22.

The principal relics which have been found and preserved are:—1. A monumental stone, on which is figured a standard-bearer in an arched recess (found 1686). 2. An altar to Silvanus, the god of hunting (found 1848). 3. A large inscribed tablet, probably recording the erection of the Imperial Palace in York (found 1854). 4. A series of bricks, and tiles, and tiled tombs, as in the case of the VI Legion. I think the earliest reference to tiles bearing the mark of this Legion is in Gibson's edition of *Camden*, 1695, vol. ii, p. 98.

[2] Camden speaks of such coins in *Britannia*, Ed. 1586, p. 408. There is no such coin now known to be in existence. Stevenson, in *Dictionary of Roman Coins*, p. 354, says:—"Coins have been cited as inscribed COL. EBOR., but, if any such exist, they were issued from the workshops of the *falsarii*, and not from any mint at Eburacum." Gale suggests that Camden's authority is Goltzius, *Thesaurus Rei Antiquariae*, c. xviii, p. 239.

[3] The MS. reads "all the Aydes", *i.e.*, *all the troops sent in aid.*

home from all parts to Rome, I conjecture speaks of this legion :—

> "Venit et extremis Legio praetenta Britannis,
> Quae Scoto dat frena truci, ferroque notatas
> Perlegit ex animes Picto moriente figuras."[1]

I have seen a stone in the fashion of an altar, which was found in the year 1638 in the digging of a cellar near Micklegate, in this city, and is now in the house of the Right Honourable Lord Fairfax in this city, on which it is thus written :—[2]

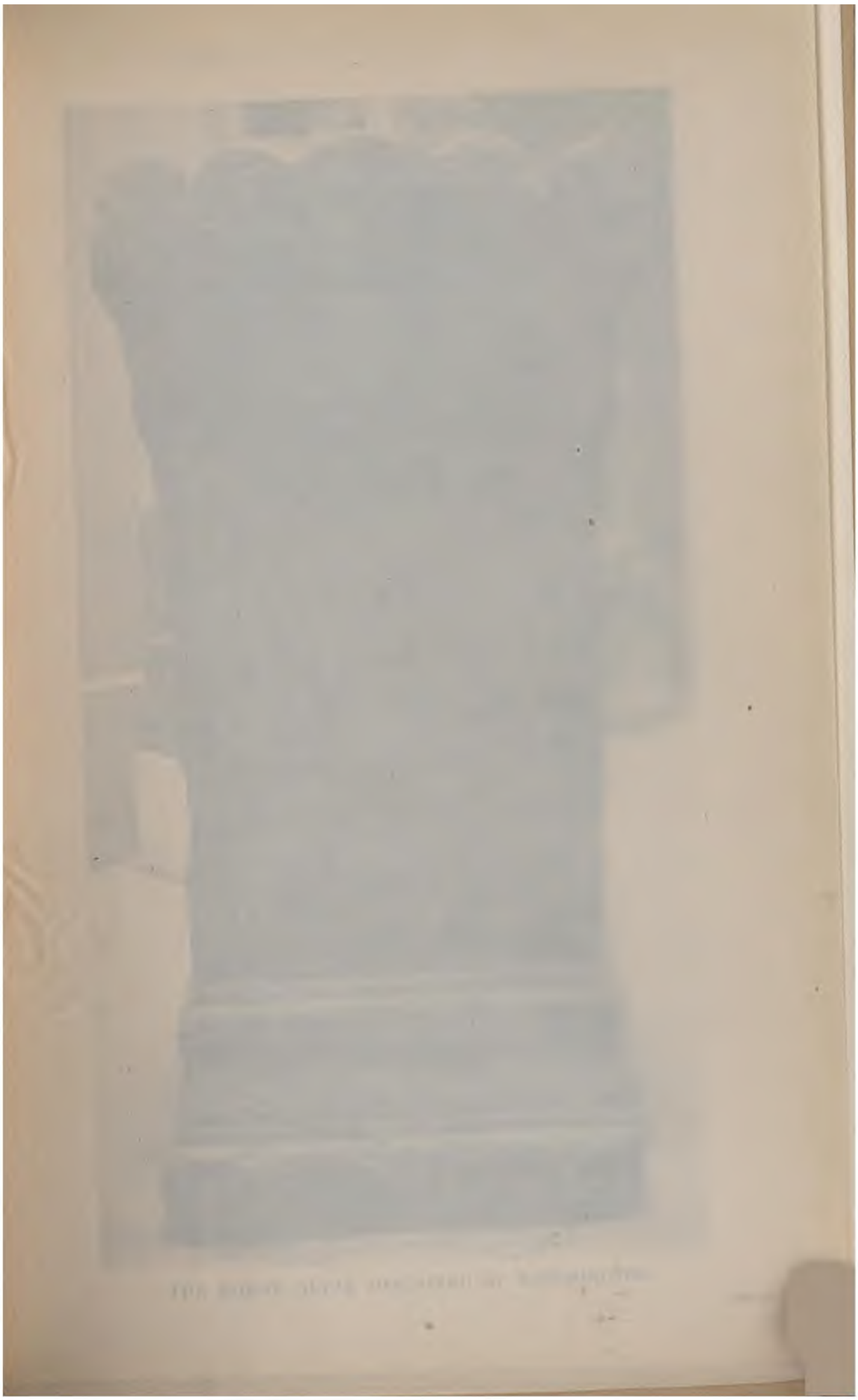
I O M
DIS DEABVS QVE
HOSPITALIBVS
PENATIBVSQ OB CON
SERVATAM SALVTEM
SVAM SVORVMQ
P AEL MARCIAN
VS PRAEF COH
ARAM SAC F NC DE

As the nation, so this city became fully Roman, and was the chief

[1] Thus rendered :—

> "Then from the borders of the British lands
> Came the bold legion which the Scot commands ;
> Wh' admire the figur'd Picts, when dying by their hands."
>
> Claudian, *Bell. Get.*, 416-418.

[2] The earliest notice of this altar appears in Gibson's additions to Camden's *Britannia* (edition 1695), p. 734. Horsley, in *Britannia Romana* (1732), p. 309, also gives a good account of it, but his arrangement of the lettering differs slightly in lines 3 and 4 from that presented by Widdrington. Widdrington, however, is doubtless correct, for this stone was for some time at his house in Lendal, a fact he does not personally record. Drake, *Eboracum* (1736), p. 56, elaborates what his predecessors had preserved, and says that there is a very complete description of this altar in *Philosophical Transactions*, vol. iii, by Dr. Martin Lister. This is an error, and is doubtless copied from Horsley, who has the same mistake. Dr. Lister's account is in Hook, *Philosophical Collections* (1679), No. 4, pp. 91 and 92, where there is also a copy of the lettering. There is a small engraving of it in *Marmora Oxoniensia* (1763), Part III, Table I, No. II, 1. The lettering in this case is arranged as in Horsley. There is no difficulty presented in translating this inscription, except in the last line. The simplest rendering of the words





THE ROMAN ALTAR DESCRIBED BY WIDDRINGTON.

Opp. p. 28.

seat and court of the Emperors in Britain. Severus,[1] the Emperor, had his palace here,[2] and when he gave up his last breath, his body was, after the military fashion, committed to the flames in a place west of the city, near Acomb, where is a great mount of earth raised up, which, Ralph Niger reporteth, was, in his time, from this Severus, called Severs.[3] Indeed, at this day, it is called Severs Hill.[4]

is as follows, but one must not be dogmatic where scholars have so widely differed :—

"To Jove, the best, and greatest,
and to all gods and goddesses,
household, and private gods,
For the preservation of the health
of himself and his family
Publius Ælius Marcianus,
Prefect of a Cohort,
dedicated, in their common name,
this altar."

The last line may be read : "Aram sacram factam nomine communi dedicavit" (he consecrated the altar erected under a common name), or "Aram sacra faciendo nuncupavit dedicavit" (he consecrated the altar after solemnly performing the sacred rites). For other readings see Drake's *Eboracum*. The antiquaries of York have generally supposed that this altar was lost. This is not so. The relic was presented by the Duke of Buckingham, who married the heiress of Lord Thomas Fairfax, to the University of Oxford, where it is preserved in one of the Taylor Galleries. The inscription can no longer be deciphered.

[1] Emperor A.D. 193-211. The author overlooks the fact that the Emperor Hadrian (A.D. 117-138) very probably visited Eboracum during his operations in North Britain.

[2] During the present century, very interesting memorials of the Praetorium have been brought to light, and are preserved in the Museum of the Y. P. S. One of these is an inscribed tablet, probably commemorating the erection of the palace by the IX Legion (No. 32 in the lower apartment of the Hospitium). Another object is a bronze tablet, which has been appended to a shrine by a person named Demetrius, the Scribe, and is dedicated to the gods of the Praetorium (No. C, case K, in the upper room of the Hospitium).—Vide *Catalogue*.

[3] Ralph Niger, a native of Bury St. Edmunds, wrote in the 13th century. He espoused the cause of Thomas à Becket, and was banished by the King. In *Chronicon II, a Christo nato ad regnum Henrici Secundi regis Angliae*, Cotton, *Vespas.*, D. X (printed 1844), he says :—"Severus requiescit Eboraci in monte qui ab eo Severes hodie dicitur."

The name has come down to the 19th century. It was long believed that the Severus Hills were *tumuli*, but it is now ascertained that they are natural formations.

[4] There is a tiny, but fascinating relic, recalling a fact concerning this Emperor, in the Museum at York. It is described in the catalogue as "a thin plate of pure gold, measuring about 1 in. by ¾ in., bearing an inscription in two lines, rudely and slightly formed. To what system of writing the characters in the upper line belong,

Pezel[1], in *Mellific. Histor.*,[2] relates:—"Cineres Severi in vasculum Alabastri conjecti, ex Eboraco Romam in loculo aureo advecti, atq. in sepulcrum."[3]

Three speeches worthy of note he had before his death:[4]—A proud speech; desiring to see his urn, he said, "Tu virum capies, quem totus orbis terrarum non cepit."[5] A speech of a diligent commander; "Age dum si quid nos oportet facere."[6] A pious and sober speech; "Omnia inquit, fui, et nihil expedit."[7]

York was not only the Court of the Emperor, but it was also the great seat of justice.

When Severus came into Britain he brought with him his two sons, Bassianus, otherwise called Caracalla, and Geta. He carried the elder of them with him, in the wars, northwards, and to Geta, his younger son, he committed the government of civil causes in this city, joining with him, for his direction and assistance, that oracle of law and justice, Æmilius Paulus Papinianus.[8] It was then for the happiness,

or what is their meaning, is altogether uncertain; but the lower line being in Greek characters, is sufficiently legible: ΦNEBENNOYΘ. Though expressed in Greek characters, the word is probably Coptic; and the interpretation of it, 'Lord of the Gods'; but to whom this title was meant to be applied it is not easy to decide. It was found in the excavations for the Old Railway Station, and was probably an amulet or spell, belonging to a disciple of one of the Egyptian sects of Gnostics which prevailed during the second and third centuries of the Christian era. This relic of ancient superstition may have been brought to York from Egypt in the reign of Septimius Severus, who was much devoted to Egyptian superstition."

[1] German Divine, B. 1539, D. 1604.

[2] *Casaubonus redivivus; id est Mellificum Historicum, etc.*, pub. 1617, Pars. II, p. 205.

[3] "The ashes of Severus, deposited in an alabaster vase, were carried from York to Rome in a gold casket, and there interred."

[4] In a marginal reference T. W. refers to Xiphilin as his authority, for the first two utterances he attributes to Severus. In Xiphilin they appear thus:—

„Χωρήσειε ἄνδρα ὃν ἡ οἰκουμένη οὐκ ἐχώρησεν."

„Ἄγετε, δοτε, εἴ τι πραξαι ἐχομεν."

In Sylburgius, *Hist. Rom. Script. Lat.*, Tom. III, there is the epitome of Dion Cassius by Xiphilin, Latin and Greek being given in parallel columns.

[5] "Thou shalt contain a man that the world has not been able to contain."

[6] "Come now, is there anything else we ought to dispatch?"

[7] "I have been all, and am now no better for it." Quoted from Spartianus, *Lives of the Emperors* (Ed. 1551), Tom. I, Severus, p. 221. T. W. repeats the words in Greek, but I have not met with the original.

[8] This great Roman jurist was put to death by the infamous Caracalla, because he would not justify Caracalla's murder of Geta. "No Roman jurist had a higher reputation than Papinian. Nor is his reputation unmerited. It was not solely





THE EMPEROR SEVERUS.

SCULPTURE FOUND AT THE PALATINE HILL, ROME,
NOW IN THE BRITISH MUSEUM.

Opp. p. 30.

and yet may serve for the glory of the Tribunal of this city to have such a judge. And, from this place, it was that Severus and Antonius, the Emperors, consulting in a question of right, gave forth their Imperial constitution, DE REI VINDICATIONE.[1]

Here the good Emperor Flaccus Valerius Constantius, surnamed Chlorus,[2] having laid good beginnings for the introduction of Christianity, ended his life, and was deified according to the custom then used among the Romans. Upon the suppression of abbeys, in a certain chapel, or little vault underground, where Constantius was supposed to have been buried,[3] there was found a lamp burning.[4] Constantine, the great,[5] who was the son of Constantius and Helena, the daughter of King Gallius or Coel, was first saluted Emperor in this place, and, as some conjecture, born here.[6] But of that I shall speak more afterwards.

because of the high station that he filled, his penetration, or his knowledge that he left an imperishable name; his excellent understanding, guided by integrity of purpose, has made him the model of a true lawyer."—*Vide* Smith, *Class. Dict.*

[1] See Appendix, No. 1.

[2] Emperor A.D. 305-306.

[3] Nennius, section 25, locates the tomb of Constantius at Caer Segont (near Carnarvon).

[4] Camden is responsible for first placing on record the medieval fable as to the finding of a burning lamp in the tomb of Constantius Chlorus. There is no proof that this Emperor was buried in York, all authorities being silent concerning his funeral obsequies. It is highly probable that his body was cremated according to Roman custom, and the ashes removed to the Imperial city on the Tiber, as in the well known case of Severus. Tradition says that the tomb of Constantius was found in the parish church of St. Helen-on-the-Wall, which stood in Aldwark. Possibly a church was erected here in Roman times, and even by the order of Constantine when converted to Christianity, the site being contiguous to Bedern, the area of the Praetorian Palace in the palmy days of Eboracum. What could be more fitting than that such a church should be dedicated to the mother of the great Christian Emperor, and the lady who was the reputed discoverer of the true Cross. From the unique situation and dedication of this church there sprang, doubtless, the legend of the burial of Constantius here, a theory favoured at least by the fact that there was no direct evidence to the contrary. This story of the burning lamp does not stand alone. Such a lamp is said to have been found in the tomb of Tullia, the notorious daughter of Cicero, and of Pallas, the Arcadian, who was slain by Turnus in the Trojan war. Bishop Wilkins, in his *Mathematical Magic* (pub. 1691), devotes three chapters to these "subterranean lamps", quoting cases in which lamps are supposed to have burned for 500, 1,500, and nearly 3,000 years! No schoolboy with a smattering of modern science would give credence to such fables. But the medieval greed for the quasi-miraculous would easily transfer such a wonder to the reputed grave of an Emperor whom there was reason to distinguish and honour.

[5] Emperor, A.D. 306-337.

[6] York is no longer authoritatively regarded as the birthplace of Constantine,

[Eleven[1] years before the first Council of Nice,[2] three British bishops were present and subscribed to the Council of Arles,[3] of which Eborus of York was one ; the other two were Restitutus of London and Adelphius of Colchester.[4]

Some write, but I doubt upon no sure grounds,[5] that St. Paul,

though there are some who, through affection for the old city, still contend that this distinction is her due. Sir Thomas speaks of this as a mere "conjecture", showing that he doubted the worthiness of the tradition. In these days of more complete investigation the claim of York to this honour is not admissible, even as a conjecture. The oft quoted authorities—the Panegyrists, the Ambassadors at the Councils of Constance and Basil, also Baronius, Selden, etc.—have been abandoned on this question.

[1] The whole of the paragraph in brackets is introduced from the British section where it is inopportune. The exact words are preserved. See page 23.

[2] Convened by Constantine, A.D. 325. Theodoret says 318 bishops were present.

[3] Convened by Constantine, A.D. 314.

[4] Adelphius is supposed to have represented Caerleon-on-Usk, not Colchester. They thus represented the three divisions of Roman Britain : Maxima Caesariensis, Britannia Prima, and Britannia Secunda.

[5] Sir Thomas does well to express doubts as to the trustworthiness of his authorities on this matter. He quotes, for instance, Sophronius, *De Laboribus et peregrinationibus SS. Petri et Pauli.* This work is only a fragment of fifty lines, and is generally considered as spurious. Some writers attribute it to the Bishop of Jerusalem in the 7th century, and others to Sophronius the Presbyter, who flourished in the 4th century. This fragment may be seen in Migne, *Patrologiae Graecae*, vol. lxxxvii, Part III, and in La Bigne, *Maxima Bibl. Veterum Patrum* (Ed. 1654), vol. v.

Another author quoted is Callistus Nicephorus, a monk of Constantinople, who flourished in the 14th century. He gained the name of "Ecclesiastical Thucydides" because of the elegance of his composition, and the "Theological Pliny" because of the marvellous fables contained in his writings. The work referred to here is *Historiae Ecclesiasticae.*

The fourth authority produced is Dorotheus, Bishop of Tyre. The title of his book is *Synopsis de vita et morte prophetarum ac apostolorum et discipulorum Christi.* An English translation was appended in 1636 by Meredith Hanmer, to his translation of Eusebius, *Ecclesiastical History*, under this title : *The Lives, the Ends, and the Martyrdomes of the Prophetes, Apostles, and seventye disciples of our Saviour, written in Greek by Dorotheus, above a thousand years ago.* This treatise is the only surviving fragment of the works of Dorotheus. His other writings, casually referred to by Eusebius, are lost. The lives are merely brief notes. The whole synopsis does not contain thirty pages. Of Simon Zelotes he says :—"Simon Zelotes preached Christ through Mauritania and Aphrick the lesse. At length he was crucified at Bretannia, slaine, and buried." A marginal note says :—"It is doubted where this Bretannia should be." It is suggested that it may be Bethania. According to Eusebius he was crucified under Trajan. Hanmer

Simon Zelotes, and Joseph of Arimathea, preached The Word here in Britain. And Venantius Fortunatus,[1] in his life of St. Martin, about the year 570, writes thus of St. Paul the Apostle :—

> "Transit oceanum, vel qua facit insula portum,
> Quasque Britannus habet terras, atque ultima Thule."[2]

Sophronius, Patriarch of Jerusalem, in his book, *De peregrinatione Petri et Pauli*, and Nicephorus, and Dorotheus Tyrius in *Synopsi Apostolorum*, say plainly that Simon Zelotes both preached and suffered here. The like witnesseth the history of Glastonbury concerning Joseph of Arimathea. Sir Henry Spelman, in his book, *De Conciliis*,[3] writes thus :—In this age there was little notice taken of the Archbishops of York. But the city itself became more eminent in the time of the Romans, for then it was the head of this kingdom (as Alcuinus reports), Britannici orbis Roma altera, Palatium, Curia, et Praetorium Caesaris. In these times the Temple of Bellona was there, and was so at the time of the death of the Emperor Severus, for he was unawares led into it. There was then no receptacle for the Christian religion in this city. And there are but four Bishops mentioned in this city from the time of King Lucius (A.D. 180) until the coming of Austin (A.D. 597) the monk, into England, which was full 400 years, though it seem to be the first seat, and *Britannorum Patriarchatus.* Thus far Sir Henry Spelman.

states that Simon succeeded James in the Bishopric of Jerusalem, when 112 years of age ; it is therefore not improbable that he was crucified at Bethany.

The tradition which connects the name of Joseph with the Abbey of Glastonbury is purely legendary, and can in no way be substantiated. The earliest mention of the tradition is in the Chronicle of Melkin of the 6th century. It is not, however, improbable that he derived his information from one of the early Abbots, who, anxious to increase the fame of the oratory, as well as the revenues, fabricated the whole story of Joseph's visit to Britain, of his building the original small wicker edifice at Glastonbury, and his burial therein.

[1] Fortunatus (Venantius Honorius Clementianus), a Latin poet, and Bishop of Poitiers 530-600. *De Vita S. Martini* appears in La Bigne, *M. Bibl. Vet. Pat.* (1654), vol. viii, fol. 753.

[2] "He traverses the sea wherever an island affords a harbour, and the lands the Briton possesses, and the remote Orkney." *De Vita S. Martini*, lib. IV (In La Bigne, fol. 766, col. 2). The form of the quotation suggests that T. W. has taken the extract from Usher, *Brit. Eccles. Antiq.*, fol. 4.

[3] Sir Henry Spelman, *Concilia, Decreta, Leges, Constitutiones, in re Ecclesiarum Orbis Britannici* (1639-64), fol. 22. This passage, of which Sir Thomas gives a synopsis (not a translation), is headed, "De Archiepiscopis Eboracensibus ante Augustinum."

Ponticus Virunius[1] relates[2] :—"Sedes autem Archiflaminum (quae fuit antiquissima religio), in tribus nobilioribus civitatibus fuerant, Lundoniis videlicet, atque Eboraci, et in Vrbe Legionum."[3]

The city was formerly the seat of one of the Arch-flamens, and afterward in the time of King Lucius turned into an Archbishopric.[4] This appears by the *Book of the Commandry or Prepositure of Beverley*,[5] which was compiled by Simond Russel, A.D. 1416, and begins thus :—

"Liber Tractatus diversarum evidentiarum tangentium dignitatem beneficium et dominium Praepositurae Ecclesiae Collegiatae Beati Johannis Beverlaci, antiquitus fundatae in Comitatu Eborum in quadam patria vocata Dayra, viz., sylva Deyrorum, tempore Lucii, illustrissimi Regni Britanniae, primi Christiani Regis ejusdem, filii Coyl Regis pagani, uncti ab Eleutherio, Papa post Petrum, A.D. nostri Jesu Christi Filii Dei Patris Omnipotentis, Creatoris coeli et terrae, cum Sancto Spiritu, secundum computationem Ecclesiae Anglicanae 126, et postea destructum[6] per paganos Ursum et Enggistum et iterum renovatum[6] et fundatum[6] per praedictum Johannem Archiepiscopum Eborum."[7]

[1] Already referred to, p. 7.

[2] *Britannicae Historiae*, at the end of Liber Quartus. Pub. M.D.XXXIIII, Ed. Anemoecius.

[3] "Moreover, the seats of the Archflamins (which was a most ancient religion) had been in three celebrated cities, viz., London, Eboracum, and the City of the Legion (Caerleon-on-Usk)."

[4] Though the story of King Lucius is so extremely mythical, it is profoundly interesting to know that we have buildings which testify to the existence of the Christian church in Roman Britain. The Venerable Bede (Bk. I, c. 26) says :—"There was on the east side of the city (Canterbury) a church dedicated to the honour of St. Martin, built whilst the Romans were still in the island, wherein the queen, who, as has been said before, used to pray." (Giles' *Trans.*) The walls of the nave of the present church of St. Martin are constructed of Roman bricks. This venerable building was reconstructed in the 13th century, and the pre-Augustine Church was embraced in the enlarged fabric. Within these walls The Word has been preached, and the Sacraments have been administered, for a period of more than 1500 years. Antiquaries ascribe to the churches of St. Mary, Dover, and St. Peter-upon-Cornhill, London, an equally early origin.

[5] For an excellent account of this book see Poulson G., *Beverlac*, p. 520. This book may have been the *leiger* book of the Collegiate Church of Beverley, in which all grants and leases were entered. Various names have been given to it, *i.e.*, *The Register of Simon Russell*, *The Provost's Book*, *The Great Register*, *The Town Book of Beverley*, etc. See also Leland, *Collectanea* (Ed. 1770), vol. vi, p. 43, and *Mon. Ang.* (Ed. 1830), vol. ii, p. 127.

[6] destructum, renovatum, fundatum ; *sic*, for ———ae.

[7] "The Book of the treatise of divers testimonies as to the dignity, property, and jurisdiction of the Provostship of the Collegiate Church of the Blessed John of Beverley, anciently founded in the province of Eboracum, in a certain district

This Arch-flamen[1] had a temple here called the Temple of

called Deyira, namely, in the wood of the Deyirians—in the time of Lucius, of the most illustrious Kingdom of Britain, the first Christian king of the same, who was the son of Coil a pagan king, and who was baptized by Eleutherius, Pope after Peter—in the 126th year (according to the computation of the English Church) of our Lord Jesus Christ, Son of God the Father Almighty, Creator of heaven and earth, with the Holy Spirit, and afterwards destroyed by the heathen Hengist and Horsa, and rebuilt and founded by the said John, Archbishop of Eboracum."

[1] The only authority for the reputed existence of the Flamen and Archflamen in England is Geoffrey of Monmouth, a writer of undoubted fertility of imagination, whose writings must be used with extreme caution. His conclusions must by no means be accepted without being fully supported by others. His tradition of the British Church and the Flamens is bound up with the story of Lucius, which is now accepted on all sides as fabulous. He relates that in the time of this king there were 28 Flamens and 3 Arch-flamens in Britain, who, in conformity with pagan rites elsewhere, used to offer incense, and sacrifice cattle to the pretended deities. These ceremonies of heathenism being suppressed, and all things being governed by Christianity, Bishops were consecrated in the room of Flamens, and Arch-Bishops in the jurisdiction of Arch-Flamens. The residences of the Arch-Flamens being in the principal cities of London, York, and Caerleon, these became Archbishoprics, and the other 28 cities of lesser note they erected into Bishoprics, and settled the bounds of every diocese. Geoffrey cites Gildas as his authority, but no such reference is made by Gildas, neither is any mention made of the Flamens by either Malmesbury or Giraldus.

The first Archbishop of whom we have any record is Alexander, the predecessor of St. Athanasius, in the see of Alexandria, in the 4th century. Now, accepting for a moment Geoffrey's statement as correct, how is it that two centuries are allowed to lapse before the institution of the Arch-episcopate is recognised in any other part of the world? Further, how is it that this fact of the consecration of Bishops and Archbishops, as advanced by Geoffrey, is ignored by all chroniclers from the 2nd century until the 12th century, when Geoffrey wrote? Furthermore, there never was a distinction between Flamens and Arch-flamens, as there is between Bishops and Archbishops. To show this we must briefly review the office of Flamen. These sacrificial priests were consecrated to the service of some particular deity, and originally numbered three: Dialis, Martialis, Quirinalis. Later, every god had his Flamens, and even the Roman Emperors, when they were dead and deified, had their Flamens. The Flamens, it is true, were divided into Minores and Majores, but this distinction in style did not carry with it any difference of power. It was simply indicative of the antiquity of their order. The three first Flamens instituted by Numa were styled Majores, whereas those that were added afterwards were styled Minores. Of this society or order, which formed a college or corporation, there was one head, the "pontifex maximus", but this high priest was only head of the college, and, what is more, the jurisdiction of the whole society was confined to a single city, and by consequence could not reach to the pretended primacy of an Arch-flamen, or include a provincial superintendency.

Fuller, with amusing brevity, thus disposes of the elaborate theory of Geoffrey. He says, "His Flamens and Arch-Flamens seeme Flamms and Arch-Flamms, even notorious falsehoods" (*Church History*, Pt. 1, p. 12, par. 9). Flamm=n. a lie; v. to deceive.

Bellona,[1] referred to above, which did stand till the time of Constantine the Great. And, howbeit, that the Temple of Bellona be long since removed hence, yet in most of the intestine troubles of England York hath had the misfortune to be a seat of war, and therefore the Temple of Bellona may seem as proper for it, in the heathen times, as the Temple of Minerva or Hercules was for Bath, whom the poets



BELLONA. J. L. Gerome.

[1] Bellona was the Goddess of War, and is spoken of as the companion of Mars:—

"Saevit medio in certamine Mavors
Coelatus ferro, tristesque ex aethere Dirae;
Et scissa gaudens vadit Discordia palla:
Quam cum sanguineo sequitur Bellona flagello."

("Mars rages in the midst of the battle * * * whom Bellona follows with her bloody scourge." —*Vide* Virgil, *Aen.*, lib. VIII, *l.* 700.) To her a temple was erected in Rome and the principal cities of the empire. Alex. Donatus, in *Roma vetus ac Recens*, by a plan shows the position of this temple in Rome—outside the city on the north-west (*vide* Ed. 1639, p. 36). This plate is copied, on a reduced scale, by Drake, *Eboracum*, pl. viii, p. 56, fig. 1. Before the temple there stood the Martial Pillar, from which a spear was hurled as a declaration of war. Speaking of the court before this temple, Ovid says:—

"Est ibi non parvae parva columna notae.
Hinc solet hasta manu, belli praenuntia, mitti,
In regem et gentes cum placet arma capi."

(There is therein a little column of no small fame. Hence the spear is flung from the hand, as a challenge to war, whenever it is decided to take up arms against the

anciently feigned to be presidents of the hot-bath. But in process of time the Temples, vowed by the idolatrous priests to profane gods, were consecrated to the service of the only true God.]

If there were no other text to prove mortality and change, York might serve for that purpose. Cities, as well as persons, being the subjects of vicissitudes, Britain, and, in it, this city must again change its masters.

The Roman Empire is under declension in the time of Valentinian the younger. Vortigern, ambitious of the rule of the Britons, will set up for himself, but doubting of his power to oppose the Romans and his ancient enemies, the Picts and Scots, prays aid of the Saxons—a sturdy and valiant people.[1]

They arrived here, under the conduct of Hengist and Horsa, and after a little pause, these new guests became enemies to their first hosts, and take part with the Picts and Scots. The poor Britons are driven out of the best part of the land, and became as miserable as the Conquerors could dare, or the conquered could bear. And not York only but Britain, in a great part, is now become Saxon. These Saxons were called Angles from the place of their habitation, called Old Anglia.

"Saxonia protulit Anglos
Hoc patet in lingua niveoque colore."[2]

king or the nations.—*Vide* Ovid, *Fasti*, lib. VI, *l.* 206.) If the temple in Eboracum occupied a seat corresponding to the one assigned to it in Rome, it without doubt stood outside Bootham Bar. This martial shrine is connected with an event in the life of the Emperor Severus (193-211). When this great soldier returned from his expedition against the Caledonians to Eboracum, he was desirous of presenting his thanks to the gods. He was led, in error, by an ignorant soothsayer, to the Temple of Bellona. Here black cattle were brought out for sacrifice. These he refused to offer, and betook himself to the Imperial Palace. By the neglect of the attendants, these intended sacrifices followed him to the Palace threshold. This circumstance was regarded as an omen of the approaching death of the Emperor. Such is the story of Spartian in his life of Severus. This narrative is interesting, as confirming the supposition that the Temple of Bellona stood without the present Bootham Bar, for, returning from the north, Severus would enter the city by the gate to which the present Bootham Bar corresponds.

I have sought in all directions for representations of Bellona, but have met with nothing so powerful as the statue in ivory, with drapery, weapons, and ornaments in coloured bronze, by J. L. Gerome, which was exhibited in the R.A. in 1893. Some representations are tameness itself, and others have too many fanciful accessories. For the representation here given see *Academy*, June 3, 1893; *Athenæum*, June 17. 1893, etc.

[1] The Saxons arrived in A.D. 450.

[2] "Saxony produced the English. This is evident from their language and fair complexion."

And now came in the name of Gens Anglica, and England. This fell out in the 31st year of Theodosius the younger, and of Christ 430 or 428,[1] according to Bede's accompt.

It was very shortly divided into a Heptarchy. But still he that had the greatest power, as Bede says, was King of the English nation. They were heathenish, serving vain gods, and used customs which were abominable, and continued so till Austin, commonly termed the Englishmen's apostle, was sent here by Gregory the Great, where, with happy success, he planted Christ in their hearts, and converted them to the Christian faith, but had little influence on the northern parts.

But before I go into the particulars, more especially relating to York and the Saxons, I shall tell you somewhat of the story of Arthur,[2] the warlike British King, the son of Uther Pendragon,[3] who prosecuted the war against the Scots and Picts, and also against the Saxons, whom he valiantly defeated in several battles, for now the Britons have some rule again, and herein you will find some mention of this city of York. Besides his inclination to protect the Christian faith, he was adorned with many honourable virtues, but chiefly renowned for the love of chivalry. He instituted an order of knights, who sat with him at a round table, and were called Knights of the Round Table. *Ex Itinerario Jo. Lelandi* (A.D. MDXXXVIII), fol. 63 :— "Withyn a Mile of *Perith*, but in *Westmerland*, is a Ruine, as sum suppose, of a Castel withyn a flite Shotte of *Loder* and as much of *Emot* Water, stonding almost as a *mediamnis* betwixt them. The Ruine is of sum caullid the *Round Table*, and of summe *Arture's Castel*."[4] I mention him the rather because I find, out of a Scotch Chronicle, that after he had overthrown the enemy, in two great battles, he took London the chief city of that kingdom, and setting matters in order there, marched directly towards York, but the brute[5] of the aid coming out of Germany, and the winter approaching, forced

[1] This date is certainly too early. The Romans were hardly out of the country at this time.

[2] King of Britain A.D. 516, said to have been crowned at the age of eighteen.

[3] Geoffrey of Monmouth, *Hist. Brit.*, Bk. VIII, c. xiv-xvii, relates that he gained this name—"Dragon's Head"—from a comet of dragon shape, from which Merlin, the prophet, predicted Uther would be King.

[4] The eight volumes known as Leland's *Itinerary* were deposited in the Bodleian Library in 1632. These were published by Hearne in 1710-12. Sir Thomas quotes, of course, from the MS. Fol. 63 refers to par. 1 of vol. vii.

[5] Brute=rumour.

him to raise his siege.[1] But he came to York the winter following, and through great fear of the sudden success of the former year the town was rendered, and he lay there that winter. All neighbours about, and noblemen of the county came in unto him, and made merry in the end of December, gave themselves up to excess and riot most men doubling, and the rich trebling, Saturnalians; during which time they held work unlawful, they sent gifts each to other, and no servant was to be corrected. Thus far goeth that Scotch Chronicle, wherein, says Buchanan, men celebrated rather the feast of Bacchus than the memorial of a Saviour. This they say was the original and spring of all the loose and licentious pranks at York for Christmas, and of that proclamation which used to be made at York, that for the twelve days, all loose and naughty persons were to be suffered to come and go, and act libertine practices without control for that time; and thereupon lords of misrule were set up.

Ye shall hear some ancient verses of this King Arthur out of an ancient manuscript of the *Lives of the Popes and Emperors, and of the British Kings.* This book, reciting King Arthur's battle with the Romans, goes on thus:—[2]

"Greater battayle þan þis, I wene, was never none
But hit were þat of Troy, for þer uneþ[3] none
Prince, in all the world, but he was þer þider send,
From þe west side of þe world to þe Est-end.
Tho had Arthour y-won, from þe west sea,
All þe lond of þe Mons, or he came to a zee,
He þought to win Rome, ——— but
A messinger came from þis lond, and new tidyngs to him seyd,
Þat Modred his Nevew, to whom he toc his lond,
Had y-nome þis kingdome all hole into his hand,

[1] This was in the year 520. The relieving force of Saxons was commanded by Childric, and came over in 600 transport ships.

[2] We notice at a glance that Malory's *Le Morte Darthur*, and this extract, diverge from each other in certain main particulars. The extract presents the earlier form of the story of King Arthur as told by Geoffrey of Monmouth (lib. XI, cap. i, ii), before "certain books of French", to use Caxton's phraseology, added the stories of love and chivalry, the guilt of Guinevere and Lancelot, the quest of the Sangrael, the doom which hung over Arthur's life, and other things which have enchanted generations of readers.

[3] GLOSSARY.—There are only two or three words which present any difficulty. Uneth: scarcely; Tho: then; Or: ere; Toc: delivered; Nome: took; Rede: counsel; Dradd: afraid; Yed: went; Hendy: polite, gallant; Blive: quickly; Y: this prefix denotes the imperfects and participles of verbs, being a corruption of the A. S. *ge.*

And y-crowned himself King þrough þe Queen's rede,
And held her in spousbreach in foul flesshely dede.
Alas, þe luper trechery how migt hit be more!
Tho was King Arthour full of sorrow,
And so, wiþ þe powers of þis lond home hiderward he drove.
Tho Arthour, wiþ his power arived, in þis lond;
Mordred began, wiþ his host, ageyn him fast to stand.
Att þe haven,[1] one battayle þer þey smit, wiþ great mayn.
Der was y-sleyn þe hendy man, þat noble knight, Sr. Wawaine,
And Aunzel, King of Scotland, and many þousand also.
And the lepry man Modred, tho all þis was y-do,
Flee, wiþ all his power, to Winchester, fast,
So þat King Arthour, þe feeld had, at þe last.
Tho Gwenhuner, þe luper Queen herd of his case,
From Eurewic to Karleon, she flee wiþ weel quick pas,
And bycam þer a Nonne to lyve in chast life.
Sumwhat she was y-dradd þat she yed soe blive.
She hyed not to her lord to welcome him to lond,
Yet hur was better Nonne to be, þan come under his hand."

Some are of opinion that the faith of Christ was planted in some particular places of this island in the time of the Apostles.

Most write that Eleutherius, Bishop of Rome, at the request of Lucius, King of Britain, sent Duvanus, Faganus and other learned preachers to sow the seed of the Gospel here in the year A.D. 180. The Church was weakly planted, and had many eclipses and intermissions.

The first Archbishop, I hear, of York was one named Sampson, appointed by King Lucius. Some say that King Arthur made one Piraunus Archbishop here, and that Tadiacus was the last Archbishop before the coming of the Saxons. As I said before, the knowledge of the Gospel was in this island formerly. But the north parts remained in ignorance a long time after. The occasion of their conversion was the marriage of Edwin, King of Northumberland,[2] with Edilberge, a Christian lady, the sister of Edbald, King of Kent (Goodwin: *Catalogue of Bishops*, p. 432).[3] Paulinus, formerly Bishop

[1] Geoffrey says this was Rutupiae, now known as Richborough, one mile from Sandwich, Kent. This was the favourite port of the Romans when crossing from the continent. It is mentioned by Ptolemy, *Geography;* Antoninus, *Itinerary;* in the *Notitia;* and also by such writers as Lucan, Juvenal, Tacitus, Orosius, and others.

[2] King from 617 to 633.

[3] Francis Godwin, Bishop of Llandaff and afterwards of Hereford. His *Catalogue* was published in 1601 and 1615. T. W. quotes from Ed. 1601.

of Rochester, with the lady, was the instrument to draw this king into the service of Christ, whose service is the greatest liberty, and the most resplendent honour of kings. The King was baptised by him. Bede says that this was done on the holy day of Easter, being the twelvth of April (627).[1] Paulinus also converted a great number of the commons and nobles, as Stubbs writes.[2] For 60 days together, he never ceased one moment, but either informed the people by preaching or imparted Christ in baptism, which he ministered in the open fields and rivers, churches being then not built. He used the river Swale, in the North Riding of this county of York, to this purpose, which was reputed from thence a sacred river, where in one day, with festival joy, he did baptise ten thousand men, besides women and children. Bede reports this of Paulinus, though others apply it to Austin, the monk.

An English poet writes thus of King Edwin :—

> " Hopen man he was, and first to Christendome
> Thorue the Archbishop S. Paulin he come."

King Edwin, against the time of his own baptism, caused a little church to be erected of boards in the City of York, which he dedicated to St. Peter. Afterwards, he laid the foundation of a very stately building which his successor Oswald finished. Edwin made Paulinus Archbishop of this place, and he afterwards received a pall from Pope Honorius. Cadwalla, King of Wales, and Penda of Mercia came against this good King Edwin, and overthrew him in the field,[3] and slew him, and his head was interred in this church in York in the year 634.[4]

As the day of religion dawned more clearly in this place, so did that of learning also at this time. In the year 731, Egbert, the brother of King Eadbert, was made Archbishop of York, in whose time the Episcopal pall was restored to this See.[5] He erected a famous

[1] Bede, *Ecc. Hist.*, Bk. II, c. xiv.

[2] Stubbs, *Actus Pontificum Eborum*, f. 1687.—T. W.

[3] The battlefield was called Heavenfield because of the number of Christians there slain. It is now known as Hatfield by corruption. The place is near to Doncaster.

[4] Bede, *Ecc. Hist.*, Bk. II, c. xx.

[5] Egbert, a Prince of the Royal Family of Northumbria, was appointed Bishop of York by Ceolwulf, in 732. There had been a continuous line of *Bishops* of York since the Northumbrian Christian King Edwin was slain at Hatfield (633 A.D.), and the consequent flight of Archbishop Paulinus to the Court of Eadbald of Kent, but the *Arch*bishopric had been in suspension. Paulinus died Oct. 10th, 644, at Rochester, and there left that distinction of the pall which he had received from

library in this city, plentifully stored with excellent books. William of Malmesbury terms it "The closet and cabinet of all liberal arts". And now was York become a seat of the Muses, as well as of Mars, and of trade, and the Athens of the North. Flaccus Alcuinus, sometime keeper of this library, and the great honour of this city, then schoolmaster to Charles the Great, first founder of the University of Paris, of whom I shall write more hereafter, in an epistle of his to the Church of England, writes thus[1]:—"Give me the books of deeper and more exquisite scholastical learning, such as I had in my own country of England, by the good and most devout industry of the Archbishop Egbert, and *I will send back unto you* some of our boys, who may exemplify out of them all those things which shall be necessary, and bring the flowers of Britain in France, that there may not be a garden of learning enclosed only within York walls, but that the streams of Paradise may be also at Toures."[2]

But now we are falling into the lamentable time of the Danes. For the condition of the city in the time of the Danes I shall not say much. The sad ditty of this discourse can be no other than the lachryme of York, for it hath nothing in it but sadness, miseries, and almost confusion. About the time of King Egbert, in the year of Christ, 800, the Danes first landed in England—barbarous and cruel

Pope Honorius (*Bede*, Bk. II, c. xx). In 735 Pope Gregory III sent Egbert a pall, thus creating him the second Archbishop. Egbert was both a saint and a scholar, and the reputed founder of the celebrated university and library of York.

[1] Sir Thomas is at fault in describing the letter, and also in giving the sense of it, the incorrect portion being shown by italics in the text. The latter may be seen in Migne, *Patrologiae cursus completus*, vol. 100, Alcuinus; *Epistola*, 43: *Ad Carolum magnum.* This letter was addressed to the Emperor while Alcuin was in France, A.D. 796. The letter is quoted by Will. Malmes., *De Gest. Reg. Angl.* Bk. I, chap. iii. The passage reads in the somewhat briefer form given by Malmesbury:—"Give me the more polished volumes of scholastic learning, such as I used to have in my own country, through the laudable and ardent industry of my master, Archbp. Egbert. And, if it please your wisdom, I will send some of our youths, who may obtain thence whatever is necessary, and bring back into France the Flowers of Britain: that the garden of Paradise may not be confined to York, but that some of its scions may be transplanted to Tours." (Giles.)

[2] This library must have suffered when the city was seized by the Danes, in 867, but doubtless its destruction was completed at the time of the Norman desolation of the city and province. Alcuin, in a poem on the saints of the church of York, gives, in metre, a catalogue of the books in this famous library. See Migne, *Patro. cursus comp.*; vol. 101, *Alcuinus*, col. 843. Mullinger, *The Schools of Charles the Great*, pp. 61-68, whilst pointing out the deficiencies of this list, shows that this was the best library in England or France at that time, and for some hundreds of years afterwards.

guests—Lords and Lordanes.[1] Now is all England in tumult and hurly-burly—cities rased, churches fired, counties wasted, and new tributes raised called Dangelt.

The Danes did waste and spoil this city in the year A.D. 867. The walls were so battered and shaken by reason of continual wars that Osbert and Ella, Kings of Northumberland, whilst they pursued the Danes, easily broke into the city, and, being both of them slain in the midst of it, left the victory and the city to the Danes. And for some time the Danes enjoyed it, but they were afterwards defeated.[2]

The Danes afterwards had some overthrows, but in the drowsy time of King Ethelred they got footing again, and began to play their old pranks. They were so insolent that the English by an epidemical conspiracy killed most of them in one night. But this blood quenched not, but rather increased, the flame. Sweyn, King of the Danes, sent an army to revenge this slaughter, by which he gained the whole country, and left it to his son Canute.[3]

Willielmus Gemiticensis in *De Ducibus Normannencis*, writes thus :—" Suenus congregato exercitu ad Eborum domicatum Angliae regnum tradidit ultricibus flammis. Videntes id Eboraci se subigunt illius dominationi."[4]

Alcuinus, in his epistle to the King of Northumberland, presaid this :—" What signifieth", says he, " that raining of blood which in Lent we saw at York, the head city of the whole kingdom, in St. Peter's Church, to fall down violently in threateningwise, from the top of the roof in the north part of the house, and that in a fair day? May it not be thought that blood is coming upon the land from the north parts?"[5]

And you shall hear that in the time of King Edward the Confessor, the city had rest again ; and yet it received a further mischief from, or by occasion of, the Danes afterwards.

The city is again out of the great Danish cloud ; the bright rays of the government of this good King Edward shined upon it and the

[1] The Danes first landed in England A.D. 832. They attacked the sacred island of Lindisfarne in 793.

[2] In the MS. this paragraph appears after the incursion of Sweyn.

[3] Sweyn invaded England 1013. Ethelred died 1016. Canute succeeded to the throne in 1017.

[4] Gulielmus Gemiticensis, *De Ducum Normannorum Gestis* (Ed. 1602), Bk. IV, c. vii, in Camden, *Anglica Scripta.* Translation : King Sweyn assembling his army at York, the Capital of the Kingdom of England, delivered it to the avenging flames. The inhabitants of York seeing this, submit to his authority. T. W. quotes from some epitome.

[5] See p. 10, note 4.

whole land. The king is highly honoured for two things—1, his piety to God; 2, his love to the laws of the land. The first occasioned him to be canonised as a saint, and for the second he was voted by that and succeeding ages for a good patriot.

My business is to tell you what the condition of York was in the time of this king, which I shall do from authentic testimony of the *Book of Domesday*, though taken after his death,[1] remaining in the Receipt of the Exchequer, a copy whereof, as to this city of York, I had from the Chamberlains of the Exchequer.[2] The Survey was begun in the fourteenth year of King William I, and perfected in the twentieth year of his reign.[3] The book is in Latin, and York is therein called by the name of Eboracum, and it is in several parts thereof called a city, though the citizens are called Burgesses in other parts.

It appears, by that book, that in the time of Edward the Confessor, there were in the city six divisions or shires, besides that of the Archbishop.[4] One of these was laid waste for the castles or forts. In the five divisions there were 1,418 dwelling mansions, to give entertainment, and in the Archbishops' 200 dwelling mansions besides. "In one of these shires the Archbishop hath yet a third part. In these no man hath any custom besides Merlesuain in one house which is within the castle, and besides the Canons of the Church, wherever they shall dwell, and besides the four Judges,

[1] The introduction of this matter is indeed premature! It was my intention to transfer these paragraphs to their proper place in the Conqueror's reign, but fearing this would be too serious an interference with the MS. I have allowed the matter to stand as I find it.

[2] Students and readers had to wait more than a century after this for an edition of *Domesday Book*. It first appeared in 1783, edited by A. Farley, printed from types made in 1768 for the purpose. Ten years were occupied in passing the sheets through the press. The edition of 1816, edited by Sir Henry Ellis, is used for reference in these notes.

[3] The following dates have been given to this work:—**1083**, by Robert of Gloucester, vol. ii, p. 373, and by the Chronicle of Bermondsey, B.M., MSS. Harl. 231; **1084**, by Henry of Huntingdon, *Rerum Anglic. Script. ap. Savile*, p. 212, Ed. 1596; **1085**, by the Saxon Chronicle; **1086**, by Bromton, *Script. x. Twysd.*, p. 979; Simeon of Durham, *Ibid.*, p. 213; Roger Hoveden, *Script. ap. Savile*, p. 263b, Ed. 1596, and others. This latter date agrees with the Memorial of Completion at the end of the second volume of the work. By Stow, *Annals*, p. 118, we are told: "The Booke of Bermondsey says this Booke was laid up in the *King's Treasurie* (which was in the Church of Winchester, or Westminster), in a place called *Domus Dei* or God's House, and so the name of the Booke, therefore, was called Domus Dei, and, since, shortly, Domesday."

[4] *Domesd. Bk.*, vol. i, p. 298.

to whom the King, by his writ, hath given mansions during their lives.

"But the Archbishop hath the full custom in his own shire.

"Of all the said houses there are 400[1] now dwelt in, in the hands of the King; and 40[2] mansion houses not dwelt in which render some more, some less, rent; and 540[3] are void which render nothing; and 145 are held by the French.

"The Bishop of Durham holds, of the gift of the King, the Church of All Hallowes, which belongs to him, and all the land of Uctred, and the land of Ernuin, which Hugh, the Sheriff, did deliver unto Walcher,[4] the Bishop, by the King's writ. And the burgesses, which dwell in it, say that they hold it under the King.

"The Earl of Moreton has 16 mansion houses here, two stalls in the Shambles, and the Church of St. Crux."

This record reckons up several thanes and persons by name which had houses there, among which I find the name of William de Perci, that he held 14 mansions formerly belonging to other persons there named, and the Church of St. Mary's. And the said William Perci claimed the Church of St. Cuthbert from Earl Hugh, and seven little mansions, containing 50 foot from one mansion, of one Uctred. "The burgesses say that William de Perci did take it away into his castle when he returned from Scotland. But William de Perci denies that he had the land of Uctred, but says that he carried it into the castle by the leave of Hugh, the Sheriff in the first year after the demolition of the castle."

Under the title of Eurewicschyre in the *Book of Domesday* I find this:—

"Terra Willielm. Perci.[5]

"Will. Perci habet in Tadcaster, in Linton, in Normanbi."[6]

[1] This should be 391.

[2] This ought to be 400, not 40.

[3] This ought to be 545.

[4] For an account of the honours showered upon Walcher by William, and his death in 1080 at the hands of his own vassals, see Surtees, R., *Hist. Durham*, vol. i, pp. xvi, xvii. Will. Malmes. relates his death in *Gesta Pontif.*, lib. III, par. 132, and also in *Gesta Reg.*, lib. III, par. 271.

[5] He was the founder of the Abbey of Whitby, of which his brother Serlo was the first Abbot. He had three sons, Alan, Walter, and William. Dugdale gives a minute account of his descent, *Baron.*, Tom. i, p. 269. His lands in Yorkshire and Lincolnshire seem to have been given to him after the suppression of the rising in 1069. *Vide* Ellis, *Index to Tenants in Capite*, sub Perci.

[6] The three names are selected from a list of about 80 places in the Percy estates, *Domesday Book*, vol. i, fols. 321*b*-323. There is no apparent reason why these places, in particular, are named.

And in another place of the same book :—

"Clamores[1] de Eurewichire.

"Calumniatur Hugo Comes super Willielmum de Perci carucatam terrae in Figelingae dicens eam pertinere ad Witebi.[2]

"Sex carucatas terrae Vlchil in Aluuintone quas habet Willielmus de Perci ad opus Roberti Malet quia pater suus habuit superiores terras.[3]

"Willielmus Perci advocat pares suos in testimonium quod vivente Willielmo Malet et vicecomitatum tenente in Eurewick fuit ipse seisitus de Bodetone et eam tenuit."[4]

"Robert Malet hath 18 mansions, and Gospatric hath the Church of St. Martin, and the Church of Trinity.

"In the shire or division of the Archbishop there are the Archbishop's Palace, and the Canons' houses. The Archbishop hath as much power in his shire as the King hath in his shires."

The book goes on with the geldable lands of, or near, the city, which are very large, consisting of many carucates of land, which are to extend not only to the suburbs of the city, but into several towns adjoining, namely, Osbaldwic, Mortun, Whitchester, Rouclif, Sceltun, Stoctun, Sambura, Hewarde, Fuleford.

"In the circuit of the city" (by which I understand to be meant the suburbs), "are 84 carucates of land, each of which is geldable as much as one house in the city.

"In these towns they had soc, sac, them,[5] and all customs.

"In the manors of the Crown the Earl hath nothing, nor the King

[1] The *clamores* or claims entered in the survey were usually between Norman and Norman, on King William's donation, Kelham, *Domesday Bk. illustd.*, p. 126. In most counties they occur under the respective property. Those in the counties of York and Lincoln are entered by themselves, Ellis, *Gen. Intro. to Domesd. Bk.*, vol. i, p. 32.

[2] *Domesd. Bk.*, vol. i, fol. 373. Abbreviated. In full it reads :—"Earl Hugh claims of William de Percy (one) carucate of land in Filing (in the Wapentake of Langbargh) saying it belongs to Whitby (but he has no proof)."

[3] *Domesd. Bk.*, vol. i, fol. 373*b*. Abbrev. "Six carucates of land of Ulchil in Elvington which William de Percy has, are affirmed to belong to Robert Malet, because his father had (them as well as) the above lands."

[4] *Domesd. Bk.*, vol. i, fol. 374. "William de Percy summons his peers to witness that during the life of William Malet, and while he held the Lieutenancy of Yorkshire, he was himself seised of Bolton and held it."

[5] These words are thus defined by Sir Henry Ellis, *Intro. Domesd. Bk.*, vol. i, pp. 273-275 :—

Saca was the power and privilege of hearing and determining causes and

in the manors of the Earl, besides what pertains to Christianity, which is under the Archbishop.

"In all the land of St. Peter Eurwic, St. John's, St. Wilfred, St. Cuthbert, nor of St. Trinity, neither the King, nor the Earl, nor any other had any custom.

"The King had three ways, by land, the fourth by water. In these ways all forfeitures belong to the King, and to the Earl, wheresoever the ways be, either through the King's land, the Archbishop's, or the Earl's.

"Wherever peace, given by the king's hand, or seal, be infringed, to the king only must the amends be given by the 12 Hundreds, every Hundred £8.

"If peace given by the Earl be broken, by any person, amends must be made to the Earl by Six Hundreds, every Hundred £8."

It may be observed from hence that those which are now called Wapontacks, and have been so termed for many years, had anciently the name of Hundreds.

"If any man be outlawed by the law, none can give him peace but the king. But if the Earl or Sheriff turn any man out of their territories, they may recall him again, and give him peace if they will.

"These thanes" (many of whose names I have omitted being at this day uncouth and obsolete) "pay relief to the king only for their lands, viz., such of them as hold above 6 manors, paying for relief £8.

"If a thane holds six manors, or under, he pays for relief, to the Sheriff, 4 marks of silver only.

"The Burgesses of York city pay no relief."

I wish I could end this chapter in this pleasant story, but it must conclude with a tragedy, for by the death of this good King Edward, the diadem of England wanting a head, Harold, the son of Earl Goodwin (who had been contriving this design whilst King Edward and he lived), thinks his head fit for it, and he puts it on in the absence of the other competitors, which were three: first, Edgar Etheling, whose title wanted nothing but strong supporters; second the Danish interest; and, thirdly, Duke William, who by the help of a good sword proved the best. But Harold was sacred, and crowned

disputes, levying forfeitures and fines, executing laws, and administering justice within a certain precinct.

Soca was the territory or precinct in which the Saca and other privileges were exercised.

Team, or, *Theame*, signifies a royalty granted by the King's charter for the having, restraining, and judging bondmen, neifs, and villains, with their children, goods, and chattels.

by Aldredus, Archbishop of York. And soon after falls out a great misery upon this city for (not to mention the passages which concerned the other parts of this nation), Tosto, the fierce Earl of Northumberland, brother to Harold, by the assistance of Harold Harfager, King of Denmark, who, with 300 ships had entered the River of Tyne in Northumberland, joining his fleet to these Danes, both of them enter the mouth of the great River of Humber, and drawing up the River of Ouse, landed their men at Richall[1] near this city. They were opposed by the Earls Edwin and Morcar, but with no effect, for many of them were slain, and more drowned. The enemy swelling with this success hasted towards York, where the siege was no sooner planted but the city was yielded. And now they thought themselves secure with such advantages as are before mentioned. But Harold comes to York, defeats and scatters these late conquerors, and amongst them, Harfager and Tosto, their chieftains are killed.[2] By this victory fell unto Harold an exceeding booty besides the great armada of Harfager and Tosto. But York was miserably plundered, left in a sad condition, and yet not quite ridded of the Danes, or otherwise they afterwards kennelled here again, which was the occasion of almost an utter destruction of it, as will appear afterwards.

When Daniel, the prophet, had the vision of the estate of the four great monarchies of the world—the Chaldean, the Assyrian, the Grecian, and Roman—it was set out unto him by the four winds. And indeed what are all the Empires of the world but as wind? The wind hath now blown the Norman Duke into the Empire of this nation, which with the three former of the Roman, Saxon, and Dane, makes up the fourth change of this nation.[3]

This was an ill wind to the city of York, as the sequel of this chapter will declare. All natural things are set upon a wheel,[4] like the wheel in the chariot of Sesostris, king of Egypt,[5] which was

[1] *I.e.*, Riccall.

[2] In the Battle of Stamford Bridge, Sept. 25th, A.D. 1066.

[3] The *Handbook Y.P.S.* says that comparatively few remains of the Saxon possession of the city have been discovered, and that there is a still greater paucity of memorials of the Danish occupation. One of the most interesting "finds" of later years occurred in 1884, and consists of the refuse and waste of some Danish workshops.

[4] Jas. iii, 6. The tongue is said to set the whole *course* of nature on fire. The word in the original is τροχος the *wheel* of nature.—T. W.

[5] According to Greek historians an Egyptian King who conquered the world. The name of this legendary monarch is variously spelled. The form adopted here is that given by Herodotus.

drawn by four kings. And from the turning of it, one of the kings observed the mutability of earthly things, because that part of the wheel which was just now upon the height, is ere soon at the bottom, and so *à converso.* The Norman is now on the top of the wheel; the Briton, Roman, Saxon, and Dane, are below, or rather quite cast off the wheel. The nation of England hath (as the moon) had several changes, and this city upon every one of these changes hath, like Proetus altered its shape, and the shape of it now becomes as sad and miserable as ever. King Edward being dead without issue, Harold (as you have heard) took up the sceptre, and held it not long, for a stronger came, that is to say William, Duke of Normandy, and took it out of his hands, although Edgar Atheling had the best right, as being the only issue male of the Saxon line, but—*jus sibi vendicat ense.*[1]

This Norman Duke, upon his first victory, (the manner whereof I shall not mention) is made King.

It is very certain what Ingulphus[2] writes, who lived in the days of that king, that he took the survey of the whole land, that there was not a hide in England but he knew the value and the owner thereof, and there was not *locus nec lacus*, neither plash or place, which was not set in the King's Roll.

This Roll was called the *Roll of Winchester*;[3] and by the Englishmen *Domesday;* and by learned Mr. Camden *Liber censualis*, *Angliae Notitia*, and *Angliae Lustrum*, the Survey of England. But my purpose is only in this to show the great change now upon the city of York. You have observed that upon each of the former changes of masters, York was under a great eclipse. But now is York almost at an upshot, for this city opposed the great Conqueror, as appears by a charter of his, dated at the siege of York.[4] In this

[1] "Right comes to him who maintains it by the sword."

[2] The work here referred to cannot be regarded as authoritative. Ingulphus, the reputed author, was born in 1030, and after varied experiences and successes in Normandy and the East, became prior of the Abbey of Crowland in 1076. The writings attributed to him were published by Savile in 1596, and by Gale 1684. Early in the present century Sir Thomas Palgrave argued that these works were not from the pen of Ingulphus, but the product of a later period, and that they were as valueless as a novel for historical purposes. His conclusions are now generally accepted as correct. Professor Freeman has declared that, "it is certain he did not write the book which is called by his name," and that "it must have been written several hundred years later."

[3] *Ingulphus* gives this name also to the roll which he says was made by King Alfred when he divided the kingdom into Counties, Hundreds, and Tithings (*Hist Ingulphi*, Ed. Gale, pp. 79, 80), all of which is extremely doubtful.

[4] To his nephew Alan to be Earl of Richmond.—T. W. Drake prints the Charter, which is very brief.

great combustion of England you will ere long find this city in a flame. I shall give you the relation in as few words as I can, which is made good by several authors.

The sons of Sweyn the Dane landed in these parts with a fleet of 240 sail. The Normans lying in garrison and keeping two forts or castles (as *Polychronicon* names them) within the city, set the suburbs on fire. A high wind advanceth this mischief and spreads the fire through the city, which is now on burning. The Danes enter and put the Normans to the sword. This so incensed King William that he showed much cruelty to the citizens by putting them to death, at least to a decimation, by the execution of every tenth man. The smoke of this fire was carried further than the city, or the suburbs, for as William of Malmesbury writes, he depopulated the villages adjoining.

"Mantua, vae, miserae nimium vicina Cremonae."[1]

And as *Polychronicon* writes, he destroyed the whole province, that for great hunger, men ate horseflesh, hound's-flesh, cat's-flesh, and man's flesh. And also that land that lieth between York and Durham was nine years without tiller and dweller, outtake only Saint John's land of Beverley. These are the words of the historian: "That fertile region was so wasted, that the ground, for the space of sixty miles, lay untilled so that a stranger could not have looked upon the places without sorrow, and if an ancient inhabitant had beheld the same he could not have known it."

"O, Niobe! Niobe! quantum distabat ab illa."[2]

You shall hear the sad complaint of one who was a canon of the Church of York, who compiled the book called *Magnum Registrum Album* in *Registro Archiepiscopi Eborum*,[3] (which was kept in the

[1] Virgil, *Eclog.*, ix, 28. "Mantua, alas! too near unfortunate Cremona."

[2] "O, Niobe, how changed from herself!" Adapted from Ovid, *Metam.*, lib. VI, l. 273. The illustration is an apt and striking one.

"Heu quantum haec Niobe Niobe distabat ab illa,
Quae modo Latois populum summoverat aris,
Et mediam tulerat gressus resupina per urbem,
Invidiosa suis; at nunc miseranda vel hosti!"

"Alas! how different is this Niobe from that Niobe who had lately driven the people from the altars of the Latona, and, with lofty head, had directed her steps through the midst of the city, envied by her own people, but now to be pitied by an enemy." (*Riley.*)

Virgil has a passage resembling this, *re* Hector.—*Aen.*, Bk. II, l. 274.

[3] This is a thick volume, the vellum leaves being about 14 inches by 10 inches. The writing is extremely neat. It does not seem to possess any special feature to earn for it the title of the *White Register*. See Appendix, No. 2.

registry of the Archbishop of York). The book begins thus :—"De adventu Willielmi Ducis Normanniae in Angliam," etc. The book is in Latin, but grant me leave to give you the tenor of this complaint in the English dialect, and it is shortly this:—He that will take upon him to recount all the miseries and misfortunes which befel the city, and the Church of York, after that England was subjugated to the Duke of Normandy, hath for his subject a sad, and long story, and hath no less a task than he that undertook to re-collect the scattered leaves of the Sibyllae. But I shall contain myself within the circle of some particulars. The Duke becoming victorious was metamorphosed into a King, and consecrated, and crowned by the Venerable Aldred Archbishop of York. But the city of York, and the region about, though they had given their faith and troth to the King to keep his peace, are cruelly, unfaithfully, and perfidiously dealt withal against the articles of peace and fidelity. The city is wasted by the Normans with fire, sword, and famine, three unjust invaders after truce and peace. The city, the metropolis of St. Peter, and all the ornaments, charters, and privileges of them both, are burnt and destroyed. *Quis talia fando temperet a lachrymis.*[1] And so goes on the story, especially relating to the Church of York. I shall trouble you with no more, the theme not being pleasant.[2]

[1] "Who saying such things, shall refrain from tears?"

[2] *Domesday Book* bears unmistakable witness to the ferocity of the Conqueror. In the time of Edward the Confessor there were in York :—

Houses in five shires or divisions of the city	1,418
Houses in the Archbishop's shire...	200
Houses which may be added for the shire desolated for castles, on the above basis	283
Approximate total of houses, T.R.E.	1,901

In the time of the Conqueror there were in York :—

Houses of the Burgesses paying rent	391
Houses occasionally inhabited but not paying full rent ...	400
Houses in the Archbishop's shire...	100
Houses occupied by Normans	145
Approximate total of houses, T.R.W.	1,036

Domesday Book speaks of 545 void and useless houses standing in the city in the time of King William, but the above tables show that nearly a thousand dwellings must have been destroyed or rendered wholly useless. It has been estimated that there was not in the time of William one-third of the population in York which lived here in the Confessor's reign. Such a picture of the wrecked and wretched city outlined by this estimate is extremely painful to contemplate.

CHAPTER II.

The Liberties, Rights, and Immunities of the City and Citizens.



IT is not to be expected that I should produce a Grant, or Charter, or Act of Parliament for each particular privilege, and interest of the city. It is to be remembered the City is ancient, and by prescription; and all their good customs and liberties are confirmed by several charters, and Acts of Parliament. The most ancient charters are burned and consumed.

King Henry II, in the 28th year of his reign, did grant to the citizens of York all their liberties and customs, and "Gildam suam mercatoriam[1] et hansas[2] suas", etc.,[3] as the same were enjoyed in the

[1] *Gilda Mercatoria* is the Guild Merchant (Register Original, fol. 219*b*), and is a certain liberty or privilege belonging to merchants to enable them to hold certain pleas within their own precincts. The word *Geldes* in 37 Edw. III, c. 57, and 15 Rich. II, c. 15, and *Guildhalda Teutonicorum*, is used for the fraternity of Esterling Merchants in London, called the Steelyard.—T. W.

[2] Hanse signifies a certain Society of Merchants for the good usage and safe passage of merchandises from kingdom to kingdom. The Society had some principal seats where the Almaine or Dutch merchants, being the erectors of it, had a special house, one of which was in London called the Steelyard.—T. W.

The Steelyard derived its name from the King's *steel-yard*, here erected to weigh the tonnage of all goods imported into London.—*Vide* Walford, *Old and New London*, vol. ii, pp. 32, 34. The site is now covered by Cannon Street Railway Station. The MS. speaks of this place as the *Stillyard*.

[3] "Their Mercantile Guild and their Hanses."

time of King Henry his grandfather—"aut sicut ea melius, liberius, et quietius usi fuerunt". In the seal of this charter the effigies of the King and two citizens are delineated.

By a charter of the 10th year of this King (Henry II) the citizens shall not serve upon Juries and Inquests in the county.

The like grants were made by King John in the first and fourth years of his reign. And by the last, King John did grant to the citizens of York the town of York, with all the appurtenances and liberties for and under the farm of £160 per annum. The Charter of King John makes mention of "Lastagia sua per totam costam maris".[1] LASTAGE or Lestage proceeds from the Saxon word *last.* It is a custom challenged in fairs and markets for carrying of things.—*Vide* Rastall,[2] *Exposition of Words.*[3] And Fleta[4] terms it Lesting, and says that it signifies "acquietanciam lestagii".

I find also a short charter of Richard I in these words:—

RICARDUS Dei gratia Rex Angliae, Dux Normanniae Aquitaniae, Comes Andegaviae, Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, et omnibus Ballivis, et fidelibus suis totius terrae suae, citra mare et ultra, salutem: Sciatis nos dedisse concessisse et presenti carta nostra confirmasse omnibus Civibus Eborum quietanciam cujuslibet Thelonii, et Lastagii, et de le Trespas, et de omnibus Customis, per totam Angliam et Normanniam, et Aquitaniam, et Andegaviam, Pictaviam et omnes portus et costeras maris Angliae, et Normanniae, et Aquitaniae, et Andegaviae, et Pictaviae. Quare volumus, et firmiter praecipimus quod inde sint quieti, et prohibemus ne quis super hoc eos disturbet super x£ forisfactum. Concedimus etiam praefatis civibus, quod namia capiant pro debitis suis, et ut se defendant ab omnibus appellationibus per Juramenta xxxvi hominum civitatis, nisi quis appelatus fuerit de corpore nostro. Testibus H. Dunelmensi, R. Bathoniensi, Huberto

[1] "Their Lastages throughout all the coasts of the sea."—*Cart.* 1, Joh. p. 2, m. 16, *n.* 135.

[2] John Rastall was a printer, and also a lawyer; died 1536.

[3] *An exposition of certain difficult and obscure words, and termes of the lawes of this realme, etc.* This book, which is the work of John Rastall, enlarged by his son William (Serjeant-at-law, and afterwards Judge), has appeared in various forms. The definition of the word *Lastage*, in the edition of 1579, appears on fol. 138.

[4] Sir Thomas refers to *Fleta* as an author, a form of quoting this book which is not infrequent. This work is an anonymous Latin text book of English law, supposed to have been written by one of the corrupt judges confined to the Fleet Prison by Edward I. This explains the device—Fleta—which the MS. bears (Cotton MS. *Julius*, B. VIII), and by which the book is known. It was printed by Selden in 1647 and 1685.

Sarum, J. Norwicensi, Episcopis. Willielmo de Sancto Johanne Marescallo, Robert de Witefeild. Data per manum de Longo Campo, Cancellarii nostri, Eliensis Electi, Apud Cantuariam 27 die Novembris, anno primo Regni nostri."[1]

(One word in this Charter requires explanation)—*namia.* Some derive it from the Dutch word *nemmen, i.e.*, capio. It signifies the taking of another man's moveable goods, and it is of vis or mort, quick or dead.—*Vide* Horn, *Mirrour of Justices*, lib. II, c. *De vetito namio.*

King Richard II, by his charter in the Parliament at Westminster, did grant to the Mayor and citizens of the city of York that the justices of peace and of labourers and artificers, in the trithings of the county of York, or of any of them, shall not intromit within the City or suburbs, or Liberties of them, of anything within the said Liberties or suburbs, but that the Mayor, twelve aldermen, or any four or two of them together, with the said Mayor, shall have the full correction, punishment, and power Oyer and Terminer of all things within the said City and Liberties, as Justices of Peace, Labourers and Artificers.

But it is true that King Henry IV did declare, by his charter, that "by colour of this charter the Maior shall not enter into the close, and churchyard or bederage of the vicars of the said church, nor into their mansion houses without the close". Of this I shall speak in another chapter.

[1] "Richard, by the Grace of God, King of England, Duke of Normandy, and Aquitaine, Earl of Anjou, to the Archbishops, Bishops, Abbots, Earls, Barons, Justices, Sheriffs, and all the Bailiffs, and to his faithful of all his land, on this side of the sea and beyond, greeting; Be it known unto you that we have given, conceded, and by this our present charter, confirmed to all the citizens of York, quittance of all manner of Toll, Lastage, and of Trespass, and of all Customs, throughout all England, and Normandy, Aquitaine, Anjou, and Poitou, and all the ports, and coasts of the sea of England, Normandy, Aquitaine, Anjou, and Poitou. Wherefore, we will and firmly command that they may be quit thereof, and we forbid that anyone shall disturb them on this matter under a penalty of £10. We also grant to the aforesaid citizens that they may take pledges for their debts, and that they may defend themselves from all appeals by the oaths of thirty-six men of the city, unless anyone shall have been appealed of our body.

These being witnesses :—

H(ugh Pudsey, Bishop of) Durham.
R(eginald Fitz Joselin, Bishop of) Bath.
H(ubert Fitz Walter, Bishop of) Salisbury.
J(ohn d' Oxford, Bishop of) Norwich.
William de St. John, Marshal.
Robert de Witfield.

Dated by the hand of (William de) Longchamp, our Chancellor, the Elect of Ely, at Canterbury, the 27th day of November, in the first year of our reign."

In an Assize, the tenant pleaded the release of the plaintiff in bar, which bore date at York, and the witnesses were to it. And there it is agreed, that this shall be tried by them of the City, and not by foreigners, because the Citizens have a privilege that foreigners shall try nothing there.

In the *Book of Domesday*, in the receipt of the Exchequer, we read: "Burgenses autem *Eborace* civitatis non dant relevationem."[1]

Conusance of pleas[2] was demanded by the Bailiff of York in the year of our Lord 1275.

You will find the Charters of this city frequently confirmed in the reigns of several kings :—

An. 1, Hen. IV, p. 1, No. 9.
An. 2, Hen. V, p. 1, No. 10.
An. 1, Hen. VI, No. 8.
An. 2, Rich. II, No. 12.
An. 15, Rich. II, No. 14.
An. 19, Rich. II, No. 1.
An. 1, Edw. III, No. 35.
An. 5, Edw. II, No. 23.
An. 10, Edw. II, No. 46.[3]

King Henry VI gave power to the Sheriffs of York and their successors to confer the office of the Clerk of the Sheriff of the County of the City there from year to year (P. 23, Hen. VI, p. 2, m. 1). And in the second year of Edward IV that office was granted by them to John Sherwood for the term of his life (P. 1, Edw. IV, p. 1, m. 24).

The liberties and franchises of the city being all, for certain causes, seized into the king's hands,[4] were restored unto them by King Henry IV (P. 7, Hen. IV, p. 2, m. 29).[5]

[1] "The Burgesses of York pay no relief."

[2] A claim of conusance was a claim to withdraw the case from one jurisdiction, and transfer it to the court preferring the claim.

[3] This list might be greatly extended.

[4] The rights and privileges of the city had been twice previously seized into the King's hands, in the time of Edward I (1272-1307). (1) From 1280 to 1282. At this time Richard de Rummondeby was appointed *Custos*. (2) From 1292 to 1296. Roger de Easingwald was first appointed *Custos*, and afterwards Sir John de Melsa or Maux.

The liberties, franchises, and privileges of the city were again seized into the king's hands at the close of the reign of Charles II. They were restored by a *Writ of restitution*, November 9th, 1688, in the early years of James II. This writ begins :—"James II, etc., to the sheriffs of the city of York, greeting : whereas in Hillary term, in the 35th and 36th years of the reign of the late king, a certain information was exhibited in his majesty's court of king's bench, by Sir Robert Sawyer, knight, then attorney-general, against the mayor and commonalty of the city of York," etc.

[5] M. 30 is also quoted, but incorrectly. When Richard II was deposed, and had ended his imprisonment by a wretched death in Pontefract Castle, the man

I find these and other liberties claimed in Justice seats. I shall mention some of them.

(1) They claimed their Merchants' Guild, and Hanses in England and Normandy, and their Lastages by all the coasts of the sea, with all liberties and customs belonging to the said Guilds, Hanses, and Lastages.[1]

(2) To be free of all manner of Toll, Lestage, Wreck, Puntage, Passage, and of Trespass, and from all Customs in England, Normandy, Aquitaine, Andegavia, and Pictavia, and by all the ports, and sea coasts of the sea of England, and that they may take pledges for their debts, and may defend themselves by the oaths of thirty-six men of the city when occasion shall fall out, unless some be appealed of the body of the King.

(3) To be freed from the lawing of dogs in the suburbs of the city: And that they pay to the King's Exchequer for the farm of the city £160 by their own hands, when they have the city in their hand: And that they make answer to the King in his Exchequer of every summons of the Exchequer concerning the citizens: And this they are to do by their own hands so that no Sheriff or Bailiff of the King shall intromit either concerning the rent or summons aforesaid.

(4) That no citizen do implead or be impleaded before the King, or any of the justices without the city, for any lands or tenements lying within the Liberty of the City.[2] The suits for these intrinsical

who was chiefly responsible for his sad end was not welcomed by the people of York when he assumed the dignity of Henry the Fourth (1399-1413).

Of the many plots to displace Henry, one was organised by Henry Percy, Earl of Northumberland, Richard Scrope, Archbishop of York, and others. It was at this time, and for this reason, that the king disfranchised the city. The royal mandate is dated at the Castle of Pontefract, the third day of June, 1405—five days before the execution of the Archbishop. Soon afterward a general pardon was issued by Henry, in his progress northwards to suppress the Earl of Northumberland. The restoration of the city's privileges is dated from Ripon.—Vide *Act. Pub.*

[1] While each country had laws particular to itself as to personal rights and rights relating to property, there were mercantile usages which were recognised as laws throughout civilized Europe.

[2] It is manifest that this was a valuable privilege. Before *Magna Charta* the King's Court was bound to follow the King's Household, in all his progresses and expeditions. It was enacted by *Magna Charta* that, "Common Pleas shall not follow the King's Court, but be held in some certain place." This place was established at Westminster as regards the country generally. Further, by being judged before their fellow citizens, they were not subject to the oppression of neighbouring barons. Many English towns in mediaeval times were dominated by powerful lords.

tenures are to be before the Mayor and Bailiffs, and if they cannot determine them, then they may be determined at the suit of the plaintiff, before the King's Justices to this specially appointed next itinerant, within the city and not without. And that the citizens be not convicted by any foreigners upon any appeals, rights, injuries, trespasses, crimes, calumnies, or demands imposed, or to be imposed upon them, but only by their fellow citizens, unless the commonalty of the city be in fault of any of the premises, or that the matter concern the commonalty, and then in such case let things be done according to their approved and hitherto used liberties. And that they may not be put to answer for any land or tenement within the Liberty of the City, nor for any trespass done within the Liberty, before any of the King's Justices Itinerant at York, elsewhere than in the Guildhall at York, and this at certain days, and to have premonition thereof from the Justices. That the citizens be not put upon Juries or Assizes in the country without the city, for any their intrinsical tenures within the city. And that as touching all debts concerning them, and the city, they answer into the Exchequer by their proper hands, and be drawn to their accompts in the Exchequer according to the customs of the Exchequer, as the Sheriffs of England are drawn there, upon their accompts.

(5) They claim this, that no arrest shall be made upon their goods in what place soever within the King's dominions for any debt, for which they are not "fidei jussores" or principal debtors, and unless they have goods of the principal debtors in their power, whereby they have power to satisfy those debts in all or in part.

(6) That they may by one or more of their fellow citizens, having their letters testimonial in that behalf, as well before the King or the justices of his bench, or any other bailiff or ministers of the King, demand their court and liberty of all persons, things, and suits, which belong to them by any of their charters.

(7) That all who dwell or shall dwell in the city or suburbs exercising merchandise, and desirous to enjoy the liberties aforesaid, shall pay scot and lot with the citizens in tallages, contributions, and other common burthens falling upon the city.

(8) They claim to hold the said city with all things belonging to the farm of the city, as they have hitherto held it, with all the laws, liberties, and customs of their lands and tenements, within and without the city, as they have hitherto held the same.

(9) They claim the Assize of Bread and Beer, and the Assay of Measures and Weights, and all that belongs to the office of the Clerk of the Market in the city, and suburbs. And all fines, amerciaments, and profits, thereupon arising, in aid of the farm of the city.

(10) They claim to have one Mayor, three Coroners, and two Bailiffs of their own proper choice, who may perform and hold the pleas and offices belonging to the crown.

(11) They claim infanthef and the chattels of felons condemned in the court of the city, as belonging to the farm of the city.

(12) They claim to have a prison, gallows, pillory, and such things as belong the office of the market.

(13) They claim return of the King's writs, and to hold pleas by writ of right of lands and tenements by force detained, within forty days after the disseisin.

(14) They claim to devise[1] their lands and tenements within the city suburbs, *tanquam catalla sua.*

(15) They claim the Wapontack of the Ainsty, with all the issues and profits thereunto belonging, to the said city.

(16) They claim to have toll, metlagh, housgabul, scramefoote, the farm of the Wapontack of the Ainsty, the fines and amerciaments of the Courts of the City, the toll of Doncaster, the toll in the rivers of Ouse and Ayre to Dykesmarsh on the one side, and to Stouperstokes and Dovescrosse on the other side, and the toll of Melton, Skirmerscales, and Wandeford to York, which toll, in the several places aforesaid, is called THE THROUGH TOLL of the said city. And it was said by some ancient men that Boroughbridge did of old time belong to this city till it was withdrawn by the Earl of Cornwall.

(17) They claim to have two fairs in the city by the year, the one at Pentecost, and the other at the feast of St. Peter and St. Paul; and 2 markets in the week, one in the place which is called Mark Skyre,[2] which is for the sale of corn and other victuals (and it ought to be held three days in every week, viz., Tuesday, Thursday, and Saturday); and another market in the place, which is called

[1] Power to devise lands and tenements was in existence before the Conquest, but under the Feudal Law no estate greater than for a term of years could be devised, except only in Kent and a few ancient boroughs (including the City of York).

By the joint operation of the Statute of Wills (Stat. 32 Hen. VIII, c. 1) and the Act for the abolition of military tenures (12 Car. II, c. 24) the power of devising became general throughout England.

But although there was a general power to devise lands and tenements in York earlier than in the greater part of England, it was not until 4 and 5 William and Mary, c. 2 (*i.e.*, at a later date than in the case of the country generally), that a man was empowered to dispose of the whole of his personal estate to the exclusion of the "reasonable parts" of his wife and children.

[2] The Pavement. See Appendix, No. 3.

THURSDAY-MARKET, which is for the sale of cloth and merchandise, and it is to be kept 2 days in every week, viz., Thursday and Saturday. And it is to be known that heretofore, the Lord's Day was the market day, as well as for the sale of victuals as other merchandise, till the same was inhibited by the King's writ in the time of King Edward the second (*Teste Rege apud Eborum 6 die Martii anno Regni sui xv*), and hindered by William de Melton, then Archbishop of York. The form of that writ was (being put into English):—

"The King to the Bailiffs of York, greeting: Forasmuch as it is to the honour of God and the honour of the Holy Church, that upon the Lord's Day no market be kept from henceforth, nor market be held in any place, or any trade exercised in any public place, we command you that by all your balywic you cause it to be publicly proclaimed, and firmly forbidden from us, that upon the Lord's Day no man hold any market, or exercise any trade of merchandise, in any public place, upon the peril of losing all their merchandise, except those victuals which shall be sold upon that day to persons commorant, passing, or being in their inns, which may be sold as formerly. And if any person, after this our proclamation and inhibition, shall be found to contemn our commandment, then you are to seize their goods and merchandise, which they shall so expose to sale, which you are forthwith to take into our hand, and cause safely to be kept, till we shall give you other commands therein."[1]

I.[2]—In the 12th year of Elizabeth a justice seat in Eyre was held at the Manor or Palace in York before George, Earl of Shrewsbury, within the Forest of Galtres: wherein the Mayor and citizens made claim to several matters. And particularly,

(1) They claimed the suburbs, to wit, all Bootham, the Horse Fair, Pamley Crofts, Barker Hill, Gillygate, which lie within the Forest of Galtres, to be part of the city according to ancient bounds.[3]

(2) To be free of toll.

(3) No Sheriffs, bailiffs, to meddle there, but only the citizens.

(4) Felons' goods, deodands, escheats within those suburbs.

(5) Two fairs there in a place called the Horse-fair, to be held, the one on Whitsun Monday, and the other on St. Peter's Day.

(6) Common of pasture from Michaelmas Day till Lady Day in

[1] Statute 29 Car. II, c. 7 (1678), "for the better observance of the Lord's Day commonly called Sunday" is still in force throughout England.

[2] The author now proceeds to give illustrations of the foregoing by specific cases.

[3] These all lie outside the city walls.

300 acres of land in Bootham Ward; and Common at all times in the year in 1,000 acres of land in Clifton, Rowcliffe,[1] Huntington, and Wigginton.[2] The claim as to the Common in 300 acres was traversed,[3] and the verdict passed therein for the city.

II.—Trinity term: 21 Eliz., 27 Junii 1579, between Richard Tempest and others plaintiffs, and Richard Calom, and John Dyneley and others defendants, in the Duchy Court at Westminster, there was a decree for the citizens of York to be discharged of Toll at Wakefield Fair. And there was the like decree, the same day, in the same court, for them to be discharged of Toll at Bradford Fair: this latter was between John Dynely and others plaintiffs, and Richard Tempest, and Edward Bowling defendants.

III.—King Richard II did by his charter, often since confirmed, amongst other things grant to the City as followeth, being only put into English: "And moreover we have granted, and by this our Charter, confirmed for us and our heirs aforesaid, to the aforesaid citizens, and to their heirs and successors for ever, That the Mayor of the said City, and his successors, that shall be for the time, may have carried, and may cause to be carried before them, their sword by us given to them, or other sword such as they please, out of the presence of us, and our heirs: the point upwards in the presence as well of other great men, and lords of our kingdom of England of our blood, and of others whatsoever, as after any other manner whatsoever."

When the noble Edmund, Lord Sheffield, afterwards Earl of Mulgrave, was Lord President of the North, and Lord Lieutenant of Yorkshire and York, his Lordship challenged two things: (1) to have the Lord Mayor of York meet his Lordship at the City gate, at every time that he, having been out of the circuit, or limits of his Lieutenancy, enters into the City, and there in solemn manner to deliver up the sword usually borne before the Lord Mayor, unto his Lordship, and to take it again at his Lordship's hands. (2) To have the said sword to be abased and carried with the point downwards in places within the limits and jurisdiction of the city at all times in his Lordship's presence or within his view or sight.

[1] Rawcliffe.

[2] The strays, Micklegate, Bootham, Monkstray, and Lowmoor, etc., are still used as open fields on which cattle graze. The profits are divided among the Freemen of the city.

[3] Traverse—from the French *traverser*. It is much used in answers to bills in Chancery, or it is that which the defendant pleadeth, or saith in bar to avoid the plaintiff's bill, either by confessing or avoiding, or by denying the material parts thereof.

His Lordship gave reasons for his demands: and the city their answer thereunto. Appeal was made by petition from the City to King James in the year 1608, and the King was pleased to refer the consideration thereof to the Earls of Northampton, Suffolk, and Worcester, being then Commissioners for causes determinable in the Earl Marshal's Court, this question depending upon the words of the said Charter, granted to the City by King Richard the 2nd, and the Lord Sheffield's claim upon his patent of Lieutenancy.[1] Their Lordships, the 15th of December 1608, desired the opinion of Sir Edward Coke, Chief Justice of the Court of Common Pleas,[2] and Sir Laurence Tanfield, Chief Baron of the Exchequer,[3] upon these matters, in the Charter of the City, and the Patent of Lieutenancy of the Lord Sheffield, and their opinions were certified accordingly upon advice and mature deliberation, as well in matter of precedent and practice as otherwise for the city. And they grounded their reasons principally upon the said Charter of King Richard II, that in this case the sword was not to be debased before the Lord President, who was also Lord Lieutenant. And the Lords Commissioners did concur with them therein: and thereupon they did acquaint His Majesty with the whole proceedings: and His Majesty was pleased to deliver his royal opinion and censure to this effect, that for his own part, ever since the first reading of the petition, he had been of that opinion, though it pleased him for his own better satisfaction to require the opinion of the Lords Commissioners for the office of Earl Marshal who do commonly examine matters of this nature with great judgment and equity; wherefore finding now upon further consideration, the Laws of Honor do so fully concur with the laws of the land, and the Judges of the Court of Chivalry in their opinion with the Judges of the Law, His Majesty doth likewise declare himself to agree resolutely with both in their opinions. Therefore for avoiding all future and farther differences he did order and determine that from henceforth the said Lord Mayor, Aldermen, and Sheriffs, and Commonalty of the said City shall quietly and peacefully enjoy the liberty and privilege of the said Charter, and the

[1] This relation I have out of a book which belonged to Mr. Justice Hutton, and his name subscribed with his own hand. He was then Recorder of York.—T. W.

[2] Chief Justice C. P. 1606; Chief Justice K. B. 1613; died, Sep. 1633, aged 82. —*Vide* Foss, *Judges of England*, vol. vi, pp. 108-128.

[3] Ch. B. E. 1607; Died, April 1625. His residence in the Temple called Bradshaws' Rents, was re-named Tanfield Court in compliment to him by his appreciative contemporaries.—Dugdale, *Orig.*, p. 146. *Vide* Foss, *Judges of England*, vol. vi, pp. 365-366.

true intent and meaning of the same plainly expounded by the said Lords Commissioners, and those two grave and learned judges of the law, and confirmed by His Royal Majesty, and may have the sword carried before the said Lord Mayor for the time being, with the point erect upwards, and not to be abased in the presence of the Lord Lieutenant for the time being, without any delivery up of the same at all, the aforesaid challenge or claim of the said Lord Sheffield as Lieutenant of the said County and City of York, or any challenge or claim of any other Lieutenant for the time to come, or any other pretence or former president to the contrary in anywise notwithstanding.

IV.[1]—The Liberties of the City of York allowed by virtue of the Charter of Richard II, King of England, granted in an assize taken before Hugh Huls[2] and John Markham,[3] justices of our Lord the King, assigned to take the Assizes in the County of York, on Friday next after the Feast of St. Bartholomew the Apostle in the 19th year of the reign of Richard II, Anno 1396. The assize came to take cognisance if Richard Roberts, of Brighton,[4] and Margaret, his wife, William Aldegate, and William Gisburne Taylor, and Richard Inesson did wrongfully and without judgment disseise William Holm, of Touthorpe, John Jakesson, of Skipwith, and John Pyn, of Ercewyke,[5] of their free tenements in the suburbs of York after the first, etc.; And whereupon the same William Holme, John Jackson, and John Pyn, by William, their Attorney, complain that the aforesaid Richard and others wrongfully, etc., disseised[6] them of one messuage with the appurtenances, etc. And the aforesaid Richard and Margaret, William Aldegate, William Gisburne, and Richard Inesson, came not, but one Raph Forrester answered for them as their Bailiff. And hereupon, the Mayor and Bailiffs of the City of York came, by Thomas Ellerbek their Attorney, to demand and challenge their

[1] In this paragraph there are two false dates, evidently a slip on the part of the amanuensis. These are corrected.

[2] Also called Hugo de Holes. Just. K. B., 1389; died 1415.—Foss, *Judges Eng.*, vol. iv, p. 204.

[3] Just. C. P.; died 1409. He was united with Chief Justice Thirning in the Commission to announce to Richard II his deposition from the throne. One of his descendants was Dr. W. Markham, Archbishop of York 1777 to 1807.—Foss, *Judges Eng.*, vol. iv, p. 172.

[4] Brayton (?).

[5] Earswick.

[6] Seisin is a term derived from the French, and signifies possession. Premier or Primer seisin is first possession. To seise is to take possession. Seisin is two-fold: Seisin in fact, when a corporal possession is taken, and seisin-in-law, when something is done which the law recognises as possession, such as an enrolment.

liberties, etc.; and hereupon he challenged their liberty, to wit, of having the conusance of that plea of assize to be held and taken before them in the Guildhall of the City aforesaid, for they say that our now Lord the King of his special grace and at request of his beloved lieges the Mayor and Citizens of the city aforesaid, by his Charter, hath granted for him and his heirs, as much as in him was, unto the foresaid Mayor and Citizens, and to their heirs and successors mayors and citizens of the city aforesaid among other things: That they should have cognizance of all pleas of Assizes of Novel Disseisin[1] and of Mort d'Ancestor of all manner of lands and tenements within the said city, and suburbs of the same, as well before his Justices of either Bench, Justices assigned for the taking of Assizes and Justices Itinerant, as all other justices and ministers of the same King, and of his heirs for the holding and taking of such Assizes in the Guildhall of the city aforesaid, before the Mayor and Bailiffs of the said city for the time being, as it is more fully contained in the Charter aforesaid: And they produce here in Court the Charter aforesaid testifying the premises, the date whereof is at Winchester, the xith day of February, in the 19th year of his reign.

Here also is a certain Writ Close of the said Lord the King to the foresaid Justices of Assizes here directed, which followeth in these words:—

"Richard by the Grace of God, King of England and France and Lord of Ireland, to His Justices assigned to take the Assizes in Yorkshire, greeting:—

"Whereas we have granted, by our Charter, for us and our heirs, as much as in us is, unto the Mayor and citizens of the city of York, and to their heirs and successors, Mayors, and citizens of our city aforesaid: That they should have cognizance of all pleas of Assizes of Novel Disseisin and of Mort d'Ancestor,[2] of all manner of lands and tenements within the said city, and the suburbs of the same, as well before our Justices of either Bench, Justices assigned for taking

[1] Novel Disseisin was a remedy for the recovery of lands, tenements, rents, common of pasture, common way, office, or toll, of which a person had been disseised, and who was tenant in fee, absolute or conditional, or for term of life.

In this case there was a wrongful putting out of him that was seised of the freehold, not as in abatement or intrusion—a wrongful entry—where the possession was vacant, but an attack upon him in actual possession, and turning him out. It was an ouster from a freehold in deed, as abatement and intrusion are ousters in law.

[2] The Assize of Novel Disseisin and Mort d'Ancestor were abolished by the Act 3 and 4 William IV, c. 27.

Assizes, and Itinerant Justices, as before all other Justices and ministers of us, and our heirs for the holding and taking of such Assizes, to be holden, and taken before the Mayor and Bailiffs of our said City for the time being in the Guildhall of our city aforesaid, as in our Charter aforesaid is more fully contained: We command you that you suffer the mayor and citizens of our city aforesaid to use and enjoy the liberty aforesaid, and before ye, and that ye allow the same unto them according to the tenour of our Charter aforesaid, not molesting in any thing, grieving them, or any of them against the tenour of the same: Witness ourself at Southwell the 26th day of August in the 19th year of our reign." And they desire thereupon their liberties, etc.

And upon this it was asked of the parties aforesaid if they had, or knew anything to say for themselves why the foresaid Mayor and Bailiffs ought not to have their liberty in this Assize: who said that they had, nor knew nothing. And the Charter aforesaid of our now Lord the King, and also the writ aforesaid being seen, it was considered that the foresaid Mayor and Bailiffs should have liberty in this Assize. And upon this the same Mayor and Bailiffs set a day to the parties aforesaid before them at York in the Guildhall aforesaid on Monday next before the Feast of the Nativity of the Blessed Mary next to come: And it was said to the same Mayor and Bailiffs that they should do full and speedy justice unto the parties aforesaid otherwise they should return, etc. And it is to be known that the transcripts of the writ and panel of the Assize aforesaid, and the process thereupon had, were delivered unto the same Mayor and Bailiffs.

V.—Liberty allowed before the clerk of the market of our Lord the King's House, the 15th day of March, the 19th year of the reign of King Richard the Second. William Coreby, clerk of the market of our Lord the King's household sent to the Mayor, Bailiffs, etc., in these words:—"William Coreby, clerk to the market, of our Lord the King's household.—To the Mayor, Bailiffs, and Constable of York, greeting:—I command ye, on the King's behalf, that ye cause to come before me, or my Lieutenant, at York, on Monday next, after the Feast of St. Gregory the Pope, twenty-four free and loyal men of the better and more discreet of the town aforesaid, there to hear and do those things that shall be enjoined on our Lord the King's behalf, according to the form of the Statute. And have ye there this precept, upon pain of C£." On which day the said Mayor and Bailiffs appeared before the Clerk aforesaid and delivered unto him our Lord the King's writ for the allowing of their liberty: Which being opened and seen together with the Charter of our Lord the King concerning

the Liberty of the City of York in this particular, granted unto the Mayor and citizens, presently the foresaid clerk, by virtue of the writ and Charter aforesaid, allowed the said Liberty, and intended to act nothing to the contrary.

VI.—Liberty allowed by Thomas Strangeways, Marshal of the Marshalsea, of our Lord the King, by virtue of the Charter of Liberty of the City of York, in the 9th year of the reign of King Henry the Fourth as it appeareth by the Record of the Court of the said Marshal, sealed under the seal of the same office, whose tenor is in this manner:—PLEAS of the Court of our Lord the King's Household, at York, before the Steward and Marshal of his Household on Monday next after the Feast of St. Ambrose in the ninth year of the reign of King Henry the Fourth after the Conquest. It was commanded to the Mayor that he should cause to come before the Steward and Marshal this instant Friday, next after the Feast of St. Ambrose wheresoever etc. xviii free and loyal men of the neighbourhood of the city of York, by whom etc., for hearing and doing those things which shall be enjoined them on behalf of our Lord the King. At which day prefixed for the pleas of the Household aforesaid came the Mayor, Sheriffs, and Citizens of the City of York and desired their liberty, to wit that the Steward and Marshal should not enquire nor cause to be enquired, nor any way intermeddle themselves concerning anything done or happening within the Liberty of the City aforesaid, because they say that our Lord Richard the 2nd, after the Conquest, late King of England, among other liberties, hath granted for him, and his heirs, and successors for ever, That the Steward and Marshal of his household, or of his heirs hereafter, neither in the presence, nor in the absence of him, or his heirs, should not enter nor sit within the Liberty of the said City, nor do, nor exercise their office there, nor enquire or cause to be enquired of anything done, or to be done, or happening within the same Liberty, nor by any means intermeddle therein. And our Lord the King hath confirmed his Charter and hath also granted to the same Mayor, Sheriffs, and Citizens "that although they hitherto have not used any one, or more of the Liberties, Franchises, and Immunities, contained in the same Charter, that they, their heirs and successors may fully enjoy, and use those Liberties, Franchises, and Immunities, and any of them", as is more at large contained in the Charters, and in his confirmation aforesaid And they produced to the court our Lord the King's Charter of Confirmation witnessing the promises sealed, with the great seal, whose date is at Westminster the 28th day of November, in the first year of his reign. And the Charter aforesaid being viewed and diligently seen, it is said to the foresaid Mayor, Sheriffs, and Citizens

of the city aforesaid, that they be dismissed of the Inquest aforesaid, Our Lord the King his Right always saved.

VII.—The City hath by ancient right one penny in the week for stallage of every butcher who sells flesh in the city. So it was determined in the Exchequer (Rot. 394) in one Westby's case. And upon search in that case it was found to be so in the great Roll in the 20th year of King Edward, son of King Henry, in the accompt of John Maux, Sheriff of York.

VIII.—The liberties of this city were of old held in so high esteem and honour that in the time of King Henry II, when the old Borough of Appleby in Westmoreland obtained a new grant from that King, they could not find out a better expression than this:—"That Appleby should enjoy the same Liberties which the City of York did, and be discharged of Toll except in London and York." Whereby you may also observe the case that was had in those times of London and York, that though they be usually made the patterns for the Liberties of other places, yet no entrenchment must be made upon their Liberties.

IX.—*Inter memoranda de Parliamento anno* 33 *Ed. I.* Andrew de Belingbrook and others did petition in Parliament, setting forth that they and others of the City of York, upon the prosecution of Peter Sturgis (who followed for the King) were indicted before Peter de Mal ——,[1] ——, *compagnons* Justices of Qyer and Terminer of a certain confederacy which was supposed to be had between them and others for the reviving of a certain guild within the city. And after, the petitioners, for this trespass, made fine before the Treasurer. But Peter Sturgis and others published to all the commons of the city that the petitioners were convicted before the Council of a certain confederacy or collusion. And therefore the petitioners are not admitted to come amongst the Commons of the city, nor know the counsels or secrets of the Commons, but are looked upon as men out of the Common law; And prayed remedy. The answer was this:—

"Mandetur Maiori Ballivis et Communitati, Civitatis praedictae, quod a Consiliis non excludantur, sed sint omnino in statu quo fuerunt."[2]

[1] Peter de Mauley (or Malo Lacu). In 1305 (and again in 1307) he was appointed chief of the Justices of Trailebaston for Lincolnshire, Yorkshire, and other counties. He died 3 Edward II (1310).

[2] "It is commanded to the Mayor, Bailiffs, and Commonalty of the aforesaid City, that they (Andrew de Belingbrook and others) are not shut out from the councils, but they may occupy exactly the same position which they held before."

CHAPTER III.

Customs, Prescriptions, and Usages of the City.



THE customs of this city are mentioned, in the general, in the *Book of Domesday*, in the Exchequer, and are confirmed by several charters of the kings unto the citizens. King John granted to Baldwin, Earl of Albemarle and Holderness, and his wife Hawys, a burgage in Hedon, which is an old borough in the East Riding of Yorkshire, to hold in free burgage,[1] and to use the same customs as York and Lincoln did.[2]

I shall herein observe no method, but mention such of these customs as have occurred unto me out of books, records, or observation.

I.—There is a custom in this city that the husband may give his lands, which are of his own purchase, to his wife during the coverture[3] between them, as well as to any other person. And this, says the book was adjudged a good custom (12 Henry III, F. Pres. 61).

[1] Burgage is a tenure proper to boroughs, whereby the inhabitants by ancient custom hold their lands or tenements of the king or other lord of the borough at a certain yearly rent.

[2] Camden, *Brit.*, f. 713.—T. W.

[3] Coverture, derived from the French *couvrir*, signifies anything that covers. It is particularly applied to the state of a married woman who was disabled to make bargain with any to the prejudice of herself or her husband without his assent or privity, or at least without his consent and confirmation.

II.—And there is a custom there that if the wife do not claim her right within a year and a day, after the death of her husband, the wife shall be barred. And the woman was barred in a *Cui in vita*[1] upon this custom (12 Henry III, F. Pres. 62).

III.—There is such a custom within this city that it is lawful for any creditor to distrain the goods of his debtor, found within the city, without a bailiff. But judgment was given in that case against one who distrained the debtor of his father, which was so adjudged, says the record, because it was *alienum debitum*[2] (Placita de Termino Trin. 31 Edward I, Rot. 1, In B.R. Eborum).

IV.—See a prescription of wares foreign sold, and foreign bought, to be forfeitable and seizable by the Mayor, Sheriffs, and Citizens of the City of York. And they prescribe as Mayor, Bailiffs, and Citizens, time out of mind, till the 1st year of Richard II, in which year by the Letters Patent of the King they were incorporated by the name of the Mayor, Sheriffs, and Citizens. And this manner of prescription was allowed and traversed. And at the suggestion of the Plaintiff the *venire facias*,[3] was awarded to the Sheriff of the county of York *de vicineto castri Eborum*, which was next adjoining to the city of York, because the Sheriff and Coroners were citizens. Lord Coke, viii, fol. 125, in the case of the city of London, mentions this case of York in my Lord Dyer, and observes the custom to be good, yet such a privilege cannot commence by charter.

V.—There is a custom in this city, and indeed in the whole archiepiscopal province of York, and it were to be wished to be common throughout England, that after debts and funeral expenses paid, the wife shall have the third part of her husband's goods: the younger children, not advanced, a third part: and the third part is called the death parts.[4] This is known by constant experience in this city and province, and is so mentioned by Mr. Swinburne a learned civilian, who was a judge in the Ecclesiastical Court at York,[5] in his book of

[1] Cui in vita is a writ of entry that a widow hath against him to whom her husband alienated her lands in her lifetime, which must contain in it, that during his lifetime she could not gainsay it.

[2] "The debt of another, not his own debt."

[3] Venire facias is a writ judicial awarded to the sheriff to cause a jury of the neighbourhood to appear, when a case is brought to issue, to try the same.

[4] See Appendix, No. 4.

[5] Henry Swinburne died about 1624 (will proved 12th June of that year). He was Judge of the Prerogative Court at York. His work here referred to, *A briefe Treatise of Testaments and last Willes, etc.*, has passed through seven editions, 1590 (date in the colophon is 1591), 1611, 1635, 1677, 1728, 1743, and 1803. The sixth edition has an account of the author.

Wills and Testaments, p. 105. And this custom is admitted to be so, by many other books and authorities. And the words of the writ of *Rationabili parte bonorum* are, "Secundum consuetudinem in Comitatu praedicto hactenus obtentam."[1] But Brook in *Rationabili parte bonorum*, 1, abridging the case of 28 Hen. VI, and in *Rationabili parte bonorum*, 6, reports that it was said for law, in 31 Hen. VIII, that it had often been put in use for common law. And this he grounds upon the case of 31 Edw. III, with which 17 Edw. III, and 30 Edw. III, 25 seems to accord. But surely the law is otherwise, for it is apparently known that in most counties of England there is no such custom. This custom extends not to the dividing of leases for years, unless there can be a special custom proved in that particular city or place for the dividing of leases for years. In Riche-Mont See or Richmondshire, within this county, there is a special custom for the dividing a lease for years.

VI.—Lands are devisable in this city by custom. In 29 Edw. III, f. 27, in the case of Thomas Sipse, of York, for land in the city of York, the defendant pleaded a Devise by Will, and it is admitted by the court and parties that the lands are devisable by custom.

VII.—Civitas Eborum 32. It appears in a long plea in Tr. 20 Edw. III, that William Savage and five others, the children of Jordan Savage, by virtue of a bequest, by the will of the said Jordan, did recover, according to the custom of the city aforesaid, their seisin of X*s.* rent issuing out of some tenements in the city of York, and £5 damages against Raph Savage by default, which Raph brought a writ of error, and among other errors did assign this for one that by the custom of the city aforesaid, freehold tenements cannot[2] be devised by nuncupative will,[3] etc. Several days were given; and after (in Rot. 38) the children of Jordan did make answer to the errors in a long plea which contains two rolls of parchment. Day was farther given, and I find no judgment upon the roll.

VIII.—In P. 28, H. VIII, in a case between one Caston and Shittington, there a custom was alleged to be in York, that a merchant stranger shall not sell any merchandise, within the Liberties of the City of York, to any other merchant stranger, nor any merchant

[1] "According to a custom in the aforesaid county hitherto obtaining."

[2] Bracton, lib. IV, *De Morte Antecessor*, f. 34. Lands devisable by custom *possunt legari ut catalla.* 21 Edw. III, 21 per Thorp, burgages are as chattels.—T. W.

[3] 29 Car. II, c. 3, abolished nuncupative wills except when made by mariners at sea, and soldiers in actual service. This statute is confirmed by *The Wills Act* Vict. c. 26, s. 9 and s. 11.

stranger shall buy any merchandise of any other merchant stranger, under pain of forfeiture of the merchandise. And there the custom was traversed, and the *venire facias* was awarded to the next *vill*, which is the Castle of York.—*Vide* Bendloes, *Reports*, f. 5.

IX.—In 29 Eliz. B. R., in Bland and Moseley's case, the plaintiff brought an action upon the case against the defendant, wherein he declared that one James Bland was seised in fee of an ancient house in Nether Ousegate, in the parish of St. Michael, in the City of York, and that he and all those whose estate he had in that house, time out of mind, have used to have for them, etc., in the west side of the said house 12 windows against a piece of land in that parish adjoining to that house, which piece of land was, time out of mind, without any building till the 28th Sep., 28 Eliz.; And that James Bland demised to the plaintiff that house for three years; and that the defendant, to deprive him of this easement, and to stop the lights, 20th November, 29 Elizabeth, erected a new building upon that piece of land, so near that the said lights are stopped. In bar of which action the defendant pleaded that within the City of York there is, and, time whereof the memory of man hath not been to the contrary, there hath been such a custom, viz., that if any person hath windows and view by the same against the land of his neighbour, that such neighbour hath used, he may obstruct the light of those windows as shall seem most expedient to him. By which custom he justified the stopping of the windows. Upon which the plaintiff demurred in law. And judgment was given for him, for there is no sufficient bar against him because one custom is pleaded against another, and the one is as ancient as the other. And yet it is there admitted that such a prescription, as is pleaded by the defendant, might have a lawful commencement.

X.—This is taken out of an ancient book remaining upon Ouse Bridge.[1] The city of York is held of the King in free burgage and without *mesne*.[2] And all the lands, tenements, and services within the city and suburbs, as well in reversion, as in *demesne*, are devisable by the usage of the said city; and the citizens may devise them; and they may also devise a new rent out of the same tenements in such manner as

[1] Upon the old Ousebridge there stood a chapel dedicated to Archbishop William Fitzherbert (12th century). At the Reformation the chapel was converted into an exchange for city merchants. Upon the decay of trade it was divided into a Council Chamber, a Record office, and a prison for the freemen of the city. The building was taken down in 1810.

[2] Mesne signifies him that is a lord of a manor, and so hath tenants holding of him yet himself holds of a superior lord. York was therefore held of the King *in capite*, or in chief, and was not a baronial fief.

they shall think best. And, as it is said, he that holds a tenement jointly with others may devise that which to him belongeth without making other severance. But an infant can in no wise make a devise.

XI.—And all the Testaments by which any lands are devised may be enrolled in the Guildhall on Record, at the pursuit of any who may take advantage by the said Testaments. And these Testaments shall be brought in, or caused to come before the Mayor, and Aldermen, in full court of the Mayor, and there shall the said Testaments be published by the Sergeant, and there proved by two honest men of mature years, who shall be sworn and examined severally of all the circumstances of the said Testament, and of the estate of the testator and of his seal. And if the proof be found good, and agreeing, then shall the Testament be enrolled in the Guildhall of Record, and the fee shall be paid for enrolment.[1] And no nuncupative Testament or other Testament may be of record unless the seal of the testator be put to the same. But the Testaments which are found good and true are effectual notwithstanding that they be not enrolled of Record.

XII.—By ancient custom of this city the citizens, or ministers of the same city, ought not to be obedient to any commandment or to any seal, but to the commandment and seal of the King immediately. And no minister of the King, no other, ought to make session or any execution within the said city, nor within the Franchises of the same, by land, or by water, but only the ministers of the city.

XIII.—By an ancient custom of the city all the liberties, privileges, and other customs, pertaining to the city used to be recorded, and declared by mouth without being put or sent elsewhere in writing.[2]

XIV.—By an ancient custom of the city no man inhabiting within the city was wont to be taken, or carried forth, of the same, by colour or claim of villanage[3] before the matter were determined by course of law.

XV.—The constables, sergeants, and other people of the same city,

[1] When an Act of Parliament was passed in the reign of Queen Anne, and George II, requiring all deeds and wills relating to lands to be registered at Wakefield (West Riding), Beverley (East Riding), and Northallerton (North Riding), the City of York, including the Ainsty thereof, were excepted from the operation of those acts. Deeds and wills relating to real property in the Ainsty of York have now to be registered at Wakefield.—*Yorkshire Registries Act*, 1884.

[2] This means that the Recorder would have to give oral testimony as to what the customs of York were.

[3] Villanage signifies a servile kind of tenure belonging to land or tenements, whereby the tenant was bound to do all such services as the lord commanded, or were fit for a villain (*servus*) to do. From this paragraph it is clear that cities and boroughs were in ancient times the strongholds of liberty.

of ancient time, have used to carry to the Kidcote[1] and there imprison trespassers going in the night against the peace, and other men and women, chaplains, and men of religion found in the night time in suspicious places with any woman, and to carry them before the ordinary to be punished according to the law of the Holy Church.

XVI.—The prisoners that are condemned and arrested within the city and are committed to prison at the suit of the party, and after sent by writ to the Exchequer, or in any other place of the King, with their causes. The same prisoners, after they are delivered in the King's Court, ought to be sent back to the city, to answer to the parties, and to expect their deliverance there.

XVII.—If any house of the city be on fire, so that the flame of the fire be seen without the house, the master of the house shall pay to the bailiff of the city, XL. pence because he had no more care of his fire, by which the subjects of the King are frightened.[2]

XVIII.—It hath been, time out of memory, ordained that if any Freeman of the City maintain any cause, or suit, against the Franchises and Liberties of the City, by which suit the Franchises and Liberties of the City are prejudiced or impaired, his trespass being proved before the Mayor and Bailiffs of the City, or before any other judge in the Court of Record or otherwise, he shall be forejudged of his freedom and of all other benefits pertaining to the Franchises and Liberties of the city.

[1] The Kidcote was in the crypt of the chapel of St. William upon Ousebridge (see p. 70, *note* 1). We find numerous references to this prison. Archbishop Hutton (1594-1605) by his Will left "to the prysoners of the Kidcote iij*£* *vis* viij*d*"; *Correspondence of Matthew Hutton*, p. 181 (Surtees Society).

[2] An excellent law when houses were largely built of wood, and the roofs were thatched.

CHAPTER IV.

The City Within the Walls, and the Gates, Bars, Wards, and Walls thereof.



AXTON, out of *Polychronicon*, writes that York is a straight city on either side Ouse, and seemed as fair as Rome before it was burnt by William the First. I shall not speak much of the buildings or houses. The streets are not very large, but some of the buildings are very good. William Neubrigensis[1] writes that the Jews formerly were very profuse in their expenses in building most large houses in the middle of the city, which he says were to be compared with royal palaces.[2]

William Malmsbury says that York is second in dignity, a large city, and a metropolis, resembles Rome, is divided into two parts by the river Ouse, and receives ships in the middle of it, coming from Germany and Ireland.

[1] Gulielmus Neubrigensis, William Petit or Parvus, was a monk of the Abbey of Austin Canons of Newburgh in the N. Riding of Yorks, and is known as William of Newbury. He lived in the 12th century (born in 1136), and his principal literary work is *Historia sive Chronica Rerum Anglicarum.* This chronicle begins with the Norman Conquest and ends with the year 1198, and is regarded as thoroughly trustworthy. The writer does not forget to tell how Eboracum fared in these stormy times.

[2] Commerce House, in Coney Street, marks the site of one of these houses. The vicissitudes of this place illustrate the historic associations which cling to many another locality, apparently common-place, or wholly modern. See Appendix, No. 5.

In Skeldergate and North Street abutting on the south side of the river bank have been, and are, many ancient built houses, as the fashion of some of them yet shows, which probably belonged to merchants where they might have cranes at their backsides to take up their wares, the river Ouse being then more navigable than now it is. Of this I shall speak more in another chapter.

The King's house at York was heretofore called MANERIUM SUUM DE TOFT, and in after years had the name of Duke Gild Hall, and is in ancient records called Aula Regis. And Christ's Church adjoining to it is called *Ecclesia Sanctae Trinitatis in Curia Regis.*[1] It is called in some records the Church of St. Trinity in Coney-gate, or Coningate, which by likelihood may be Kaningate, or Kuningate, viz., King's-gate.[2] The house which formerly belonged to Alderman John Hans is thought to be part of that which was the King's house anciently, and it may be probably concluded that it was the King's house, when the kings kept court here. And it is not known that they had any other palace anciently in this city. And also on the north side of it, in some gardens, have been found coins, where formerly were the stables or out-houses as conjectured.

There is a street in this city called Footeless Lane,[3] in the parish of St. Wilfrid's, wherein stands a house, which did belong to Walter Strickland, of Boynton, Esquire. This street is over against the Hospital of St. Leonards, where the master of St. Leonards used to keep diseased people, before they were, in some measure, helped of their infirmities to prevent the infection of others in the Hospital.

That which is now and hath been for many years the Common Hall of the city, and where the Sessions and Assizes for the city are holden and where the Lord President and Council formerly sat, was heretofore part of the possessions of the Prior and Convent of Durham, for I find in an ancient Coucher-book of this city a fine from the Prior of Durham. In that book the title before the fine is *Finis de Aula Communi.* Over the gates of the Common Hall, there is a

[1] "The Church of the Holy Trinity in King's Garth, or King's Square."

[2] Cyning (Anglo-Saxon) = King.

[3] This was a declivity running down to the river. On the river bank was a small wharf or "landing", belonging to the Hospital of St. Leonard, close by. This "landing" ultimately gave to the street the name of Lendal Hill (a corruption of Landing Hill). The place is now called Museum Street. It was originally a very narrow lane—Black Lendal it was sometimes called. It was widened in 1782 and again in 1846. The name Lendal has been transferred to a portion of Coney (Conyng) Street. Other names by which Footeless Lane was known were Fictele's Lane, and Finkle Lane. The origin of this nomenclature is very obscure.

statue or image of this city in the form of a goodly or big woman.[1] Anciently the statues of cities used to be set out in the feminine form. It hath a crown on the head.

The Pavement, or Mark's-street, or Mark-skyre, which is the chief market place, is not very large. The learned and reverend Doctor Thomas Morton, late Bishop of Durham[2] (who was born in this city), did purpose to have bestowed some considerable cost in the enlarging of it, but one who was owner of a house, which he intended to have bought and pulled down for that purpose, stood upon so high terms in the sale of it that this good purpose was frustrated. It is conjectured by some that this place, called the Pavement, which we find in some records called the Pavement *alias* Havergate, and the street about it was formerly a marish[3] ground, for upon digging for cellars and wells, sea coal, ashes, and other rubbish have been found very deep. A person yet living in the city, of great years, and an ancient inhabitant in the city, affirms that Alderman Marshall's house, and another house built by Mr. Bolt over against Alderman Peacock's house, at the end of the Upper Ousegate, do stand upon forced ground. And the Church St. Saviourgate in the same tract is known by the name of *Ecclesia Sancti Salvatoris in marisco.*

John Leland in his *Itinerary* describes the west part of the city of York thus :—"The west part of the city of York is thus enclosed. First a Turret; then the walls runneth over the side of the dungeon of the Castle on the west side of the Ouse, right against the Castle on the east bank. The plot of this Castle is now called the Old Bale, and the area and ditch of it do manifestly appear. Betwixt the beginning of the first part of this west wall and Micklegate, be 9 towers, and betwixt it and the bank again of Ouse be 11 towers, and at the tower of the 11th a postern gate to draw over the chain on Ouse betwixt them." In this west part was a priory of Black Monks called The Trinities. There was also, not far from Micklegate, a

[1] The Guildhall was built in the middle of the 15th century on the site of a former hall. Very many years were spent in its erection, and when completed, it was an unseemly structure, having only louvre windows. In 1760 an order was issued by the corporation for its repair. The old cupola in front was removed in 1772. Perhaps the statue, which had been taken down with the *gates*, about the time of the erection of the Mansion House, in 1726 (see p. 17, *note* 3, *Gent.*) was carried away during these renovations.

In 1786 a statue of George II, which had been executed by Charles Nutley, and which had been placed on the cross in Thursday Market in 1739, was removed to the front of the Guildhall, where it still remains. Nutley's remuneration for the work was a grant of the freedom of the city.

[2] From 1632 to 1660.

[3] Marish = marshy (see p. 58, *note* 2).

house of Black Friars; nor far from this is a place called Bishophill where Henry Vavasour of Heselwood, Esquire, had a messuage held of the King, in free burgage, and he died seised thereof in the 7th year of Henry VIII. I think this is the house which was of my Lord Fairfax commonly called Bishophill. The nunnery of Clementhorpe stood without the wall on the west part right against St. Andrews.

I shall be the shorter in this chapter in regard that in other chapters, I shall have occasion to speak of the churches of the Archbishop, and of the Dean and Chapter, and their houses within the city, as also of the religious houses and hospitals, and of Davy Hall, anciently the Gaol for the Forest of Galtres, and also of the Castle, all which stand within the walls of the city.

In the fourth year of King Richard II, the custody of the walls of the City of York is arrayed, and ordained, as appears by the book kept in the chapel of St. William upon Ousebridge.

I cannot assign the time when the walls of the city were first reared. The building with stone is not very ancient in this nation. The Picts wall, first set up by the Roman Emperor Severus, if we may believe Bede and Matthew Westminster, was "magis caespites quam lapide factus."[1] But about 100 years before a wall of stone was set up by the Emperor Adrian, the relics of which appear very evidently at this day in many places.[2]

There are besides the posterns four principal gates in this wall:—(1) Micklegate,[3] or Mickle Bar, as we would say, the great gate; (2) Bootham;[4] (3) Monkgate; and (4) Walmgate. Posterns:—Lendall, Skeldergate, Castlegate, Fishergate, Laythorp, Goodramgate.[5]

Leland says the wall from the bank of Ouse on the east part goeth thus:—"First a great tower with a chain of iron to cast over the Ouse. And then another tower and so to Bowthamgate. From Bowdam Bar or gate to Goodrame Gate or Bar ten towers. Thence four to towers Laythorp, or Posterngate, and so by the space of two flight shots the blind and deep water of Foss coming out of the Forest of Galtres defendeth this part of the city without wall. Then

[1] Bede, *Eccles. Hist.*, Bk. I, c. v. "A wall of turf rather than a wall of stone." The work of Severus was largely a reparation of Hadrian's wall.

[2] The amanuensis has made a serious slip in the date, which is corrected as printed here. "But about 100 years before" reads in the MS., "But 200 years after." (!)

[3] More correctly: Mickle=great; Gata=street; Micklegate Bar=The Bar on the Great Street.

[4] Sir Thomas spells this name in many ways: Bowtham, Boutham, Bowdam.

[5] Often given as Gotheramgate.

to Walmgate three towers, and thence to Fishergate (stopped up since the rebels burnt it in the time of Henry VII); and in the wall, by this gate is a stone, with this inscription: 'LX yards in length A.D. 1445 William Todd Mayor of York did this cost'; thence to the bank of Foss three towers, and in the third a postern, and thence over Foss by a bridge to the Castle."[1] Leland hath this farther: "Some say that Walmgate was erected at the stopping up of Fishergate." But I doubt of that.

These gates and some parts of the walls have been repaired of late.[2] By ancient charters, which are also confirmed by the Charter Caroli Regis Primi, the Mayor and Aldermen may assess the inhabitants for the reparation of the walls. And there were former charters to that purpose in the times of Henry II and of King Henry the VI.

[1] Ex *Itinerario Joh. Lelandi* incepto, A.D. 1538 (30 Hen. VIII).—T. W.
[2] Sir Thomas refers to the restorations after the siege of 1644.

CHAPTER V.

Government of the City of York.

♣ ♣

THE justice, by which the people of this land is governed, is (vested) in the King, and other substitutes under him. The King, as Sir John Fortescue observes, "sits not in judgment himself." The streams of this justice are carried to the people by the great Courts of Westminster, the Chancery, King's Bench, Common Pleas, and the Exchequer. These, as to their several capacities, have an universal influence on all parts and people of the nation. But there are some less rivulets of justice for smaller matters, which are derived to the people in the Hundred[1] and Wapontack Courts, which, as Ingulphus writes, were first instituted by King Alfred in the year DCCCLXXX, and also in some counties palatine, and in the bounds of boroughs, and cities, in which latter number this city is one. The government of this city is in several persons according to their several stations and capacities—the Mayor, who is the chief, twelve Aldermen, and two Sheriffs, the Common Council, who are served by a Town Clerk, six Sergeants-at-Mace, and two Esquires which are a Sword-bearer and the Common Sergeant who goes before the Lord Mayor, with a great mace on the left side of the sword.

[1] They are called Cantreds in Wales, for *cantre* (as I am informed) in the British tongue signifieth *centum.*—*Vide* Malmesbury, *De gestis Regum*, lib. II, cap. 4. "Dicitur Cantredus composito vocabulo tam Britannica quam Hibernica lingua tanta terrae portio, quanta 100 villas continere solet." Silvest. Giraldus, in *Itinerar. Cambriae.*—T. W. See *note* 1, cap. *Ainsty of York.*

This city is as the city of Rome was. It had yearly Bailiffs, and now Sheriffs, instead of Consuls. It hath the dignity of Senators or Aldermen. It hath under officers, several courts, and several assemblies, or councils upon certain days. There is a Recorder also, who is assistant to the Lord Mayor, and takes his place in councils, and in courts next to the Mayor, and delivers the sentence of the whole court as occasion requires. He is also assistant to the Sheriffs in their court. But in this chapter I shall primarily mention the chief magistrate and governor, and reserve the Courts of Justice for another chapter.

I shall begin with the chief magistrate of the city, who hath now the name of the Lord Mayor. Some are of opinion that the word lord is a superfluous addition to mayor, for maire being a word in the old Saxon, derived from the Chaldee or Syriac (as many other words of that language are) signifies dominus, or lord.[1] I cannot determine what his ancient name was, nor is it very easy to say, when the name of mayor began, but it hath anciently been used in York as in London. As for London, the great city of England, I find that the ancient name of the chief magistrate of it was portreeve or portreeves, which appears by a charter of King William the First, mentioned by Ingulphus, in these words (being Englished): "William, King, greeteth

[1] The repetition by Sir Thomas of the conjecture that the title lord is merely a redundancy, repeating in another form the title mayor, is not worthy of his scholarship. Our author afterwards correctly states the case when he makes it a distinct title conferred in the 12th year of Richard II. This monarch came to York in 1389 in order to settle some differences which had arisen between parties represented by the archbishop on one side and the mayor on the other side. It is reported that by the exercise of great tact the King brought about a pacific settlement, though the matter of dispute involved considerable difficulties. Richard appears to have been very desirous to please the citizens. Among other favours he presented to the city a sword of State, and conferred upon its chief officer the semi-baronial title he now sustains. Only thirty-five years before the same prefix had been added to the Mayoralty of London by Edward III (1354). This title is now enjoyed by the Mayors of Dublin, Liverpool, and Manchester. It may be well to remember that while the title *mayor* refers to the official's superior position and great influence (Lat. major) the prefix *lord* has reference to the character of benefactor which he should sustain. This latter word is derived from the Saxon *hlaef*, bread, and *ford*, to give (Skinner, Bosworth, etc.), or *weard*, keeper (Stiemhielm). These words are contracted to *laford*, and then *lord*, signifying the provider of bread. Verstegern, in *The Restitution of Decayed Intelligence*, speaking of the origin of this term and its counterpart *lady* (Saxon *hlaefdige*, she who kneads the loaf), says they are "honourable appellations with which our ancient and yet continued custom (that our lords and ladies do carve, and serve their guests at the table, which in other countries is altogether strange and unusual) doth well accord and correspond."

William, Bishop, and Godfrey, Portreeve, and all the Burgesses that in London be friendly, etc."

In the 4th year of King John, "Burgenses de Eborum dant C£ pro habenda benevolentia Domini Regis eo quod non venerunt obviam Domino Regi in adventu suo apud Eborum, et non hospitati Balistarios Domini Regis."[1]

The learned Baleus[2] writes that the first Mayor of London was appointed by King John in the 9th year of his reign, 1209.

I find the writ of Right Patent in London: "Rex Maiori vel Custodi et Vicecomitibus."—*London Register*, fol. 2.

The first mayor I can find mention of at York is:—

1.—One Nigellus in King Stephen's time.[3]

2.—Drugo Berentine was Mayor in Richard I's time.

3.—Tooke Flower, father of Saint Robert of Knaresborough, was twice Mayor of York,[4] *circa* Richard I.—See Wever, *Funeral Monuments*, fol. 143,[5] and Fuller, *Eccles. Hist.*, f. 274 *et infra*.[6]

[1] "The Burgesses of York gave £100 to gain the goodwill of the Lord the King because they had not come to meet the Lord the King on his arrival at York, and did not entertain the cross-bowmen of the Lord the King."

[2] This refers to John Bale, Bishop of Ossory, the Latinised form of whose name is Baleus, or Balaeus. He was born in 1495, and died in 1563. Though at first a zealous Romanist, he became a convert to Protestantism through the influence of Lord Wentworth. He became a zealous writer against Popery, and an industrious antiquary. His writings display great learning and vigour of expression, but are wanting in good taste. It has been said that no writer of the Reformation equalled Bale in acerbity, for which reason he was known as "Bilious Bale". His most important work is *Illustrium Majoris Britanniae Scriptorum Summarium in quinque centurias divisum.* It is a catalogue of authors and their works, chronologically arranged.

[3] Stowe, and other chroniclers, state that "when King Stephen re-built the Hospital of St. Leonard, dedicating it to St. Peter, and endowing it with certain threaves of corn, he commanded Nigel, then Mayor of York, to deliver up a place in the city near the west wall to receive the poor and lame in."

[4] The son of Tooke Flower spent his early years in the monasteries at Whitby and Fountains. Afterwards he retired to the rocks of Knaresborough as a hermit. Among his patrons were King John, William Estotville, Lord of Knaresborough, and a lady of the Percy family who bestowed upon him the chapel of St. Hilda. Many fables are preserved concerning his sanctity and miraculous powers. Matthew Paris has this absurdity for instance: "Anno 1209, Claruit fama Roberti

[5] Weever (John), *Ancient Funerall Monuments within the united Monarchie of Great Britain and Ireland and the Islands adjacent, etc.* (pub. 1631). Weever quotes from Cotton MSS.

[6] Fuller, *The Church History of Britain*, pub. in six parts, fol. (1655). Each part is separately paged. The page quoted by Sir Thomas refers to Part II.

4.—Thomas Palmer was Mayor, *anno Verbi Incarnati* 1219, 3 Hen. III.

5.—I find Henry de Sexdecim Vallibus, or Cezevaux, was Mayor in the beginning of the reign of Henry III, and Agnes, his only daughter and heiress, was married to Thomas Fairfax, of Walton, Esquire. She was his widow about the 45th year of Henry III, and after that was married to John de Camera.

This Agnes in 12 Edw. I, in her second widowhood (as by the deed appears) did release to her son William Fairfax as followeth :—[1]

"Relaxavi etc. Willielmo Fairfax filio meo totum jus etc. in quatuor mercatis et dimidia annui redditus cum pertinentiis in Eborum quas idem Willielmus habet de dono Johannis de Camera viri mei ex dono meo." And recites the parcels of lands, "Habend. et Tenend. etc. et quae mihi et haeredibus meis jure haereditario quoquo modo acciderint de haereditate Henrici de Sexdecim Vallibus patris mei seu aliorum antecessorum aut parentum suorum vel meorum pro omnibus aliis haeredibus meis, praedicto Willielmo et haeredibus suis de me etc. Testibus Domino Gilberto de Luda tunc Maiore Eborum ;[2] Jacobo de Lissington ; Willielmo Stegt ; Rogero de Bonavilla tunc Ballivis de eadem.[3] Dat. die Sancti Andreae 12 Ed. I Anno 1283."

6.—Hugo de Selby was Mayor in the 15th year of Henry III, 1230, and the same Hugh was Mayor the second time. In a charter where Alice Bugthope gives the stone house, near the Church of St. Gregory, Micklegate, these are witnesses: Hugo de Selby, then Mayor, and Rogero Decano.[4]

Hermitae apud Knaresburgh, cuius tumba oleum emisse." Saint Robert was interred at Knaresborough, but the monks of Fountains desired that the body of their *quondam* brother should rest with them. They even proceeded to remove the remains, and were only deterred from carrying out their purpose by armed retainers despatched against them from the neighbouring castle.

The cave, in which the remains of the victim of Eugene Aram (executed 1758) were discovered, was originally the home of this famous hermit. His name is also associated with a tiny chapel hewn in a rocky cliff overlooking the river, and which once, it is said, possessed considerable claims to completeness and artistic display.

> "Each proper ornament was here
> That should a chapel grace,
> With reaching columns neatly formed,
> And holy water vase."

[1] Only the signatures to this deed are immediately interesting.

[2] *Nota;* another Mayor of York.—T. W.

[3] It appears also by this that the ancient government of this city was in Mayor and Bailiffs. Sheriffs were added afterwards.—T. W.

[4] It appears by another charter of the 4th year of Henry III that this Roger was Dean of York.—T. W. *Decanus* = a dean.

7.—In a deed dated the 22nd of March, in the 33rd year of Henry III, in the *Coucher book of Helagh*,[1] there is "Nicholas Orgar maior Eborum."

8.—In the 36th year of Henry III (1252) John de Selby was Mayor.[2]

9.—In the 43rd year of Henry III (1259) Adam de Cresse was Mayor.

10.—44 Henry III, Idem.

11.—In a deed dated 1263, I find, John Selby Mayor; Ivone de Usegate, Simone de Grant, and Johanne de Cunnington then Bailiffs.

12.—In the 56th year of Henry III, Walter de Stokes was Mayor.

There is a catalogue of all the Mayors, and Bailiffs, and Sheriffs of this city, from the beginning of the time of Edward I. This catalogue, as to some parts of it, is in the hands of divers persons. But I have some notes upon this, which were taken by Mr. Roger Dodsworth out of a book of Mr. Walter Strickland, a worthy gentleman[3] well versed in antiquity, some of which I shall mention in this chapter, and the rest I shall forbear to mention.

I shall go over these as summarily as I can.

1272.—Edward I: Mayor, John Spencer or Spicer;[4] Bailiffs, Gilbert Lude, Henry Holtby, John Coniston.

1273.—Idem.

1274.—Mayor, Idem;[5] Bailiffs, John Sutton, John Coniston, Henry Holtby.

1275.—Mayor, John Bromholme; Bailiffs, Robert Bloome, Robert Moore, Adam Bullingbroke.

1276.—Mayor, Idem; Bailiffs, John Spicer, John Coniston, John Sutton.

1277.—Mayor, Idem; Bailiffs, Stephen Tighton, Roger Bomell, J. Coniston.

1278.—Mayor, Walter Stokes. He was aged, and in the midst of his Mayoralty Sir Gilbert Robert Ludley, Knight, was made Mayor; Bailiffs, Nicholas Selby, Peter Saynton, William Sleight.

[1] Healaugh, near Tadcaster.

[2] In the 41st year of Henry III Gacius de Calvo Monte or Chamont was Mayor.

[3] Walter Strickland of Boynton, Esquire, was a learned antiquary, and owner of many choice pieces of antiquity. They were all embezzled some few years since (1643).—T. W.

[4] John l'Espicer. As a witness to an old grant to the Abbey of Fountains he is called Johannes Apotecarius. Espicer, espicier, or epicier, is an old French term for *druggist* or *apothecary*.

[5] Ought to be Robert de Bromholme.

1279.—Mayor, John Sampson; Bailiffs, Nicholas Spicer, Roger Vasy.[1]

1280-1281.—The Mayoralty and liberties were seized in the King's hands, in the 9th and 10th years of Edward I, and Richard de Romondely was *Custos Eborum.*[2] This signature I find to a deed dated 9th Edward I, A.D. 1280. John Lythgresnes, the Sheriff of the County of York, accompted (at this time) in the Exchequer for all the profits which the city held in farm, and for which they paid £160 per annum.[3]

In the year 1282, upon the Feast of St. Edmund the King, the citizens of York for 1,000 marks did obtain again the seisin of the liberties of the city, which formerly they had lost—"propter[4] quandam falsum chartam quam coram Justiciariis monstrabant."[5] I do not forbear to mention this seizure, though it reflects upon the misgovernment of the Mayor. Indeed, it was frequent in ancient time to have such seizures of liberties of cities and corporations into the King's hands, occasioned by the miscarriages of Mayors. I shall only mention one of London. In *Libro Magno, MS. Itinerum, Itinere London,* 14 Edw. II, fol. 100:—It was found by verdict, that "whereas the freemen of the town of London have such Franchise, that if any of them were indicted of felony, he ought to be let to *mainprize*[6] till the coming of the Justices Itinerant, and in the meantime ought not to be put to answer to any indictment or appeal; and that one Henry Brenden, who was no freeman of the town, was indicted for the death of a man in the sixth year of the King, that now is, John Gisors, being then Mayor of London, after the felony committed did cause the name of the said Henry to be put in his paper, amongst the names of those who were received for freemen of the town, and made the date of the entry two weeks before the felony committed, and afterwards mainprized him as a freeman; this was charged upon the Mayor, at the suit of the King, and of the party, as a thing against common right; and because the Mayor was chosen by the Commonalty,

[1] List of Bailiffs. This list corresponds with that printed by Lawyer Hildyard in 1664 and Torr in 1719. Nicholas de Selby is omitted under date 1279.

[2] See p. 55.

[3] This fee farm was afterwards abated in some measure by King Henry VIII.—T. W.

Richard III also remitted £60 of the fee farm rent to the city. See p. 85.

[4] *Annales Monasterii B. Mariae Eborum,* in Bibliotheca Bodleiana, Oxon.—T. W.

[5] "By reason of a certain false charter which they displayed before the Justices."

[6] Delivery into custody of a friend upon security for appearance. The writ of mainprize is now obsolete.

therefore his fault ought to turn to their prejudice. And inasmuch as he had abused his power to the disinherison of the King, and blemish of the crown, it was awarded that this Franchise shall be lost for ever; and because he had not well used his office and his mayoralty, the same was seized into the King's hands, and Sir Raph Beresford was assigned Guardian on the part of the King, and command was given to the sheriffs, ministers, officers, and other people, to obey him. And so Gisors was put in prison and left to the King's mercy. And afterwards, in the place of Sir Raph Beresford, Sir Robert de Kendall was assigned Guardian of London, for the King, by the Commission of the King in Eyre."

The like is in *Itinere Nottingham*, 3 Edw. III, in the same book, Fol. 209, and the Mayor of Nottingham was put out of his Mayoralty. Of late years for miscarriage of a mayor, or abuse in an undue election, the course hath been to remove the mayor and place another. But I proceed no further in this Catalogue, but leave it for an Appendix, if I can obtain a perfect one.[1]

Unto William Selby, then Mayor of York, King Richard II, about the 12th year of his reign, gave the first sword, from about him, to be borne before this Mayor. And he was then first named *Lord* Mayor, as I have heard.

"In nomine domini Amen. Strenuissimus Princeps et dominus Richardus 2^{dus} Rex Angliae et Dominus Hiberniae Illustrem volens Civitatem suam Eborum prae caeteris in honore praeferri anno 1388 Regni vero sui 12 in tempore Willielmi Selby tunc Maioris concessit et confirmavit pro se et heridibus[2] suis Civibus Civitatis Eborum et eorum successoribus in per[pe]tuum quod Maior dictae Civitatis et successores sui qui pro tempore fuerint Gladium suum ipsius Civitatis per ipsum dominum Regem tunc primo datum aut alium Gladium qualem eis placuerit, extra praesentiam suam et haeredum suorum habeant portatum et portari facere possint coram iis per punctum erectum in praesentia tam aliorum magnatum et Dominorum Regni Angliae qui nos linea consanguinitatis attingunt et quorumcumque aliorum quam alio modo quocumque."[3]

[1] Sir Thomas gives a list, as here promised, as an appendix to the *Analecta*, but it is by no means so perfect as he hoped to make it. He expresses his dissatisfaction with it by endorsing it thus:—"I purpose *not* to add this *Appendix* to the book when it is printed."

[2] *Sic*, for haeredibus.

[3] "In the name of the Lord, Amen. The most valiant prince and lord Richard II, King of England and Lord of Ireland, wishing his illustrious city of York to be preferred in honour before the rest, in the year 1388 (the 12th of his reign), in the time of William Selby then Mayor, granted and confirmed for himself and his heirs

The other sword, which is the largest, was the sword of Sigismund the Emperor, which he offered in the 8th year of King Henry V, in the Chapel of St. George at Windsor, when he was made Knight of the Garter. This sword was afterwards given to the city by Henry Hanshap, a canon of that chapel, born near the city of York. This he did in 17 Henry VI, A.D. 1439, Thomas Ridley being the Lord Mayor.

And a third sword was given, of later times, to the city by Sir Martin Bowes.

The city hath a fourth sword, but I know not by whom it was given.[1]

I find in the 19 Sept., 12 Henry VI, the style of petitions to the Lord Mayor this:—"To the worshippfull Lord, the Maior of ye City of York, showes right meekely." And thus: "To their right high worthinesses, Maior, Aldermen, and the wise Council of the Chamber." And I find not long after the style thus: "To the full honorable Lord, the Maior of the City of York, beeseekis full humbly their Lordships."

The Mayor, for the time being, is, by Charter, escheator and clerk of the market, 19 Rich. II.[2] The Mayor and Aldermen are Justices of Peace, by Charter, Richard II. And the Mayor, Recorder, Aldermen, are Justices of gaol delivery, by Charter of the fifth year of King James.

The Mayor of York, by Charter of King Richard III, was made Chief Serjeant-at-Arms to the King; and by that Charter, the King did remit £60 of the Fee Farm rent to the city, and did grant that the Mayor, for ever after, should be the Chief Serjeant-at-Arms to the King, his heirs, and successors, and should have for the execution of that office £18 5*s.* yearly.[3]

I shall conclude this history of the Lord Mayor with the Statute

to the citizens of the city of York and to their successors for ever, that the mayor of the said city and his successors for the time being may have and cause their sword of the same city, then first given by the Lord King himself, or such other sword as they shall please, to be borne before them, out of his presence and that of his heirs, with the point erect as well in the presence of other magnates and lords of the realm of England who touch us in line of kin and of any others whomsoever, as in any other manner whatsoever."

[1] Widdrington mentions four swords. There are now only two—that of the German Emperor, and that of Sir Martin Bowes. It is much to be regretted that the gift of Richard II has disappeared.

[2] The MS. quotes here, "1 or 19 Rich. II, rot. 29; and 10 Edw. IV," which, upon search of the Rolls, I find to be an error of the amanuensis.

[3] Sir Thomas has £8 5*s.* here, which is not correct. *Vide* Appendix, No. 6.

of 29 Henry VI, cap. 3, a law not unfit to be mentioned, when persons are so unwilling to undertake this place. Yet I must acknowledge, not without grief, that poverty hath seized upon this city, and the citizens are not of that condition as formerly they have been. By this statute all Letters Patent granted, or hereafter to be granted, to citizens of York to be exempt of the offices of Mayoralty, Sheriffwick, Chamberlain, collector of dismes and quinzismes, and citizens for the Parliament shall be void: And the citizen which purchaseth or taketh such exemption shall forfeit £40 to the King, and to the Mayor and citizens of York.

By the Statute of Acton Burnell made 13 Ed. I (1285), ordaining the Statute Merchant for recovery of debts, the party is to come before the Mayor of London, YORK, or Bristol, etc.

In the second year of Edward IV, for the relief and amelioration of the citizens, the King grants that the Mayor, Recorder, etc., shall be the conservators of the rivers Humber, Ouse, Wharfe, Derwent, Aire, and Don. By virtue of this Grant, there was a Session at York the 26th of June, in the 25th year of Henry VIII, before the Mayor, Recorder, and two Aldermen, where it was presented that the Priors of Drax and Durham had severally levied gortes and fish-garths,[1] which they, upon their view, found accordingly, for which they set upon them severally taxes and assessments, and upon certificates thereof unto the King's Bench, that they had used there some engines for fish, but that the passage was still open enough, issue was taken whether it were a purpresture[2] or no; and the King's attorney, upon the certificate of the Commissioners, that the nuisances were removed, confessed the plea of the Prior of Durham, and he was discharged by judgment.

For the Recorders of the city I shall give the names of such of them as I find, but not the precise time of their constitution, for some of the ancient court books being lost or mislaid, my accompt of them cannot be perfect.[3]

(1) I find WILLIAM WANDESFORD was Recorder in the 5th of Henry V, but when he was made so I know not.

(2) GUY ROUCLIFF, who married the sister and heir of John

[1] Garth, the same as girth, from *gyrdan* (A.S.), to surround, to enclose, an enclosure about a house, a close, a dam, a weir.

[2] Anything done to the nuisance or hurt of the King's demesnes, or the highway, etc., by enclosure, or building, endeavouring to make that private which ought to be public. The difference between pourpresture and nuisance is that the former is an invasion of the *jus privatum* of the Crown, but when the *jus publicum* is violated it is a nuisance.

[3] Drake takes his list from the MS. of Sir Thomas.

Brough, by whom he had issue, Bryan Roucliff, second Baron of the Exchequer in King Henry VII time.[1] In the first year of Henry VII, the Year Book, mention is made of Bryan Radcliff, the 2nd Baron of the Exchequer. The name is misprinted, for it should be Roucliff. He was owner of the manor of Calthorp, in the county of the city of York, and of lands in Bickerton Moor.

(3) And I have heard a tradition which is derived to me from the report of Mr. William Girlington, of Lincoln's Inn, 1612, that in the time of the wars between the Houses of York and Lancaster there were two brothers of the Girlingtons, both lawyers; the one of them sided with the House of York, the other with that of Lancaster. And they were interchangeably Recorders of this city, as the White Rose or the Red was more weighty in the balance, so that these two brothers were the alternative oracles of this city for some time. But I find not their Christian names.

(4) SIR GUY FAIRFAX, Serjeant-at-Law, Recorder. It appears not, to me, when he was made Recorder.[2] He was made Serjeant-at-Law in third year of Edward IV, at a general call of serjeants. And in the sixteenth year of Edward IV[3] he was made one of the judges of the King's Bench, and so continued till the eleventh year of King Henry VII. Sir Henry Spelman hath, in his *Glossary*[4] in the Catalogue of the Chief Justices, that he was appointed Chief Justice in the eleventh year of Henry VII, but lived not to be installed in the place. John Dawtree, by his will, made in the thirty-seventh year of Henry VI, may seem in some sort to have presaged this, when he gave a book, which had been the book, of the most famous Chief Justice, Sir William Gascoyne, in these words, "I give to Guy Fairfax, one great register, sometime William Gascoigne's, Justice of England."

It appears by an inquisition taken before the Lord Mayor of London, Escheator, after the death of John Lord Scroope, that the said Lord Scroope died seised in fee, by the will of Sir Guy Fairfax, Knight, one of the King's justices, made to him the said Lord Scroope and others in the 9th year of King Henry VII, of one house or tenement late called Serjeants' Inn in Holborn held in burgage. It is now called Scroop Inn or Scroup Court.[5]

[1] He became Second Baron of the Exchequer, 26th June, 1483 (Richard III).

[2] He became Recorder in 1476. [3] Vide *Y. B.*, 17 Edw. IV, fol. 4*b*.

[4] H. S. . . . *Archaeologus. In modum Glossarii ad rem ant.*, etc. (pub. 1626), fol. 417.

[5] *Vide* Dugdale, *The History and Antiquities of the four Inns of Court, and the nine Inns of Chancery, also of Serjeants' Inn, and Scroop's Inn* (pub. 1780).

(5) MILES METCALFE, Recorder, who was also one of the Justices of Assize at Lancaster. I find an indenture of Composition made for Fulford in the 2nd year of Henry VII, in which were Arbitrators, Sir Guy Fairfax, one of the judges of the King's Bench, John Vavasour, Serjeant-at-Law, Miles Metcalfe, Recorder of the City of York, and William Eland, Recorder of Hull.

(6) SIR JOHN VAVASOUR, Knight, Recorder,[1] Serjeant-at-Law. He was the King's Serjeant-at-Law, and so made in the 1st year of Henry VII,[2] the 13th of October, and was afterwards one of the Judges of the Common Pleas.

(7) WILLIAM FAIRFAX, Serjeant-at-Law, Recorder. He was made one of the Justices of Assize at Lancaster, in the 1st year of Henry VIII, and in the 2nd year of Henry VIII one of the Judges of the Court of Common Pleas, at Westminster, and was the oldest son of Sir Guy Fairfax.

(8) In the 18th year of Henry VII: BRYAN PALMES, afterwards Serjeant-at-Law.

(9) In the 1st year of Henry VIII: RICHARD TANCRED.[3]

(10) In the 27th year of Henry VIII: JOHN PULLEIN.

(11) In the 3rd year of Edward VI: WILLIAM TANCRED.

(12) In the 17th year of Elizabeth: WILLIAM BIRNAND.

(13) In the 25th year of Elizabeth: WILLIAM HILDYARD.

(14) 1608.—SIR RICHARD HUTTON,[4] Knight, Serjeant-at-Law, born at Penrith, in Cumberland, was Recorder. He was afterwards one of the Judges of the Court of Common Pleas at Westminster, and Temporal Chancellor of the County Palatine of Durham, in both of which places he continued about twenty years. He lived and died in great honour and esteem for his learning, justice, courage, and integrity, and I may add his charity and hospitality.[5] The memory of the just shall not perish. His body was buried in St. Dunstan's

[1] Elected August 1486, in opposition to the recommendation of Thomas Middleton by the King (Henry VII).

[2] He was made Serjeant-at-Law within a few days of the death of Edward V. Patent renewed by Richard III, and Henry VII.

[3] There is a serious omission of three names here. They are: 10th year Henry VIII, Sir Richard Rokeby; 14th year Henry VIII, Sir William Gascoign; 18th year Henry VIII, Richard Page, Esq.

[4] Just. C. P. 1625; died at Serjeants' Inn, Chancery Lane, February 1638-9. He compiled *Reports on Sundry Cases*, which were published after his death. Foss, *Judges Eng.*, vol. vi, p. 332.

[5] "A very venerable Judge."—Clarendon, Bk. IX, § 125. "A grave, learned, pious, prudent Judge, of great courage, and patience."—Croke, *Rep. Car.*, 56, 504, 537.

Church, in Fleet Street, where you may find this true memorial of him[1]: "Hic reqviescvnt ossa Richardi Hvtton, militis vnivs Jvstitiariorvm Dmi. Regis de Coi: Banco qvi obijt vicessimo sexto die Febrvarij anno Dmi. 1638. Annoq Aetatis svae 79°. *Faelix iter a secvlo ad Coelvm.*"[2]

(15) 1616.—BERNARD ELLYS, Esq. (born in Cumberland).

(16) 1622.—SIR WILLIAM BELT, Knight, born in the city. An eloquent orator, in a Lipsian dress, *vir bonus, dicendi peritus.*[3] He never wanted words for his matter, nor did his words ever exceed the matter. The most curious auditor could not observe deficiency or redundancy in his style, which was so pleasant, that what Seneca said of Severus might truly be said of him, "Nemo non illo dicente timebat ne desineret."[4]

Doctor Johnson,[5] sometime schoolmaster of Winchester Schools, who wrote the poem of Wickham,[6] having praised all his predecessors in some distichs, in the last place he wrote this of himself:

> "Ultimus hic ego sum, sed quam bene quam male nolo
> Dicere: de me qui judicet alter erit."[7]

[1] Originally this stone occupied a place near the altar.—*Vide* Denham, *Views of S. Dunstan's in the West* (published 1829). At the restoration of the Church (1832) it was placed on the west wall, near the door communicating with Clifford's Inn.

[2] "Here repose the remains of Richard Hutton, Knight, one of the Justices of our Lord the King, of the Common Bench (of the Court of Common Pleas), who died on the 26 Feby. A.D. 1638, in the 79th year of his age. Happy journey from this world to heaven!"

[3] "A good man, and expert in speech."

[4] "When he was speaking, there was no one, who did not fear lest he would stop." (He spoke with such effect that all desired him to continue.)

[5] Christopher Johnson (1536-1597) was appointed Head-Master of Winchester College by Archbishop Parker in 1560.

[6] *Ortus atque vita Gul. Wykehami Winton. Episcopi*, (published 1564). Written in elegiacs. Johnson was esteemed as the most elegant Latin poet of his day.

[7] "Here I am, the last, but, whether for good or evil, I am not willing to say: let it be another who shall decide concerning me."

CHAPTER VI.

Courts of Justice in the City of York.

♣ ♣

I.

I SHALL begin with the Court of Common Pleas, held before the Mayor and Aldermen in the Guildhall, commonly called the Mayor's Court.

I find this in an ancient Coucher book of the city :—In common pleas, pleadable writs called *Ex gravi querela* to have execution of tenements out of testaments which are enrolled of record or otherwise in the Guildhall, writs of *Dower unde nihil habet*, writs of *Customs* and of *Services* instead of *Cessavit*, writs of *Error of Judgement* given before the Bailiffs, writs of *Waste*, writs of *Partition* to be made between parceners, writs of *Quid juris clamat, per quae servicia*, and others, which writs are close and directed to the Mayor and Bailiffs, and also replevins[1] of *Namia*, and distresses unjustly taken, are pleadable before the Mayor and Bailiffs, in the same Guildhall of Common Pleas, by plaint without writ.

And it is to wit, that the same Bailiffs are ministers to do the office and service, and to serve all the said writs and replevins by

[1] Replevin is the bringing of a writ (called "replegiare facias") by him that has his cattle or goods distrained by another, and putting in surety to the Sheriff, that upon delivery of the thing distrained he will prosecute the action against the distrainer. "Namium" is either lawful or unlawful. Lawful "nam" is a reasonable distress proportionate to the value of the thing distrained for. See page 54.

precept of the Mayor directed to the said Bailiffs. And the process is in this manner :—

First.—In a writ *Ex gravi querela*,[1] three days' warning shall be given to the tenants before the Monday[2] as in the plea of land.

And so it shall be done of all other summonses touching the same court. And if the summons be made and witnessed by the Bailiffs or their ministers, the tenantry may be at once essoyned.[3] And if the tenants make default at the summons witnessed, then the *Grande Cape*[4] shall be awarded.

And if they appear they may be essoyned after the view. And hereupon all other process shall be made fully as is used in the writ of *Droit Patent* in the Guildhall of plea of land.

Item.—In a Writ of *Dower unde nihil habet*[5] the tenants shall have at the beginning three summonses and one essoyne after the three summonses, and afterwards shall have the view, and after the view one essoyne.

And the tenants in such a writ of Dower shall have the view although she enter by the same baron[6] that died seised. And also the tenants may vouch to warranty and be essoyned after every appearance. And all other process shall be made as in a writ of Right in Guildhall of plea of land. And if the demandant recover Dower against the tenant by default or by Judgement in Law in such writ of Dower, and the same woman demandant allege in Court of Record, that her husband died seised : Then the Mayor shall send to the Bailiffs by precept, that they summon an inquest of the neighbours where the tenements are, against the next Court of Common Pleas, to enquire if the husband died seised, and of the value of the tenements, and of the damages. And if she recover by Inquest the damages shall be enquired into by the same inquest.

[1] Ex gravi querela was a writ in behalf of him to whom any lands or tenements in fee within a city, town, or borough, being devisable, are devised by will, and the heir of the devisor enters into them, and detains them from him.

[2] The Court being held on Monday in every week.

[3] Essoine signifies the allegation of an excuse for him that is summoned, or called to appear and answer to an action. The word used to be employed in other than law cases to express the idea of excuse. This term is still used at manorial courts.

[4] Cape signifies a writ judicial touching plea of lands or tenements. This writ is of two kinds, "Cape magnum" and "Cape parvum."

[5] Dowry and Dower are not to be confounded. A dowry is that which a wife brings her husband in marriage. A dower is the portion of lands, etc., which she has for her life if she outlives her husband. "Dower unde nihil habet" was a writ for a widow against a tenant, who bought lands of her husband in his life time, but which were to be inherited by their children.

[6] Baron=husband.

Item.—In a Writ of *Customs and Services* the tenants shall have three summonses and three essoynes. And they shall also have the view, and they may vouch to warranty denizen, and foreign, and they shall be essoyned, and they shall have exceptions, and all other process shall be made as is usual in a writ of Right in the Court of plea of land. Provided, if the tenant make default then the demandant shall have judgement to recover and to hold for a year and a day, upon such condition that the tenant may come within the same year and day next following, and make agreement for the arrerages,[1] and find surety as the Court shall award to pay the rent or services honestly afterwards, and to have again the tenements. And within the which year and day the tenant may come and cause the demandant to come into court by *Scire facias*,[2] and shall have again his tenements doing as is before said. Then after the year and day the demandant shall have a *Scire facias* against the tenant.

And if the Bailiffs shall return, that the tenant was summoned to come and answer if he knew aught to say, then the judgment shall be, That the demandant shall recover the tenements fully to him, and his heirs for ever, according to the custom of the city aforesaid.

Item.—In a Writ of *Waste*,[3] process shall be made against the tenants by summons attachment and distress according to the statute thereupon made. And if the tenant come and plead, then he shall have one essoyne and so after every appearance. And if he make default at the grand distress then it shall be commanded to the Bailiffs by precept of the Mayor, That the said Bailiffs go to the place wasted and enquire of the waste and of the damages according to the statute, and that they return the Inquest at the next Court of Common Pleas. And the plaintiff shall recover the place wasted and treble damages by the statute.

Item.—In a *Replevin* the process is such: If any man take a distress in another man's ground, within the same city, the proprietor of those goods may come to one of the Bailiffs, and shall have one minister by commandment of the Court to go to the party which took

[1] Arrerages = Arrears.

[2] Scire facias was a writ judicial, most commonly to call a man to show cause, to the court, whence it is issued, why execution of a judgment passed should not be made out. The object of it was to show that some matter had occurred since the judgment was given which entitled the party to be relieved from the execution.

[3] Waste is the committing of any spoil or destruction in house, lands, forests, etc., to the damage of the heir, or of him in reversion or remainder: whereupon the writ or action of waste was brought for the recovery of the thing wasted, and damages for the waste done.

the goods. And if he can have the view of those goods, he shall cause the goods to be taken by two honest men. And then a plaint shall be made and entered in the Bailiff's paper in this manner: "Such an one complaining against such an one for his beasts wrongfully taken in his house, or in his free tenements in such a parish." And the same party shall find there two sufficient sureties to pursue and make return of the goods or of the price in case that return be awarded, and so he shall have deliverance. And the parties shall have a day pre-fixed at the next day of Common Pleas. The Bailiffs shall make a schedule containing the whole matter and the plaint, and shall bring the same schedule to the court, and there it shall be filed. And the parties shall be demanded. At which day, the one and the other may be essoyned by a common essoyne. And at that day that the plaintiff makes default, return shall be awarded to the Avowant. And return in such case is awardable three times by the custom, and at the right time irreplevisable. And at what hour that the Avowant makes default, then shall it be awarded that the distresses remain with the plaintiff, that is to say, *morentur namia* without any damages recovered. And if it be so that the Bailiffs cannot have the view of the distress taken, then they shall certify in the said Court and there the *Withernam*[1] shall be awarded, and process shall be thereupon made. And if the parties come and avowry be made and they plead to judgement, or to the issue of the Inquest, then judgement shall be given or process made to cause the Inquest to come as the case requireth, and the parties may be essoyned after every appearance. And if the party claim propriety in the distress then that being certified to the Court, process shall be made by precept to the Bailiffs to try the propriety, etc., and although the party being essoyned by the King's service or *replegiare*, and, the day given him by the essoyne, make default, or bring not his warranty, he shall not be punished.

Item.—In a writ *De partitione facienda*,[2] to make partition between parceners of tenements in York, the writ shall be close directed to the Mayor and Bailiffs, containing the matter according to the form of such a writ.

[1] Withernam is a forbidden taking, or unlawful distress, in which case the Sheriff is directed to take an adequate number of the cattle, or quantity of the goods, of him who did unlawfully distrain, and hold them, till the offender has made deliverance of the first distress. If the cattle were under a castle or fortlet, the Sheriff could take with him the *Posse Comitatus* and beat down the castle.

[2] Writ de partitione facienda was a writ for those who held lands or tenements in common with other persons, and would sever to every one his part, against him or them that refuse to agree to a division.

And the parties shall be warned by precept of the Mayor directed to the Bailiffs, and the tenants may be essoyned. And if they come they may plead their matters. And if they make default, there the partition shall be awarded by default.

And all judgements which are given in plea of land in the said Court, shall be given before the Mayor and Aldermen by the mouth of the Recorder. And the exigents of all outlawries and wayveries awarded before the said Bailiffs, by writ of exigent to them directed by the Mayor, shall be enrolled before the Bailiffs, and sent into the Chamber of the Guildhall aforesaid.

And it is to wit, that all the amerciaments, incidents of the said pleas of land, shall be levied by the ministers of the Bailiffs, and equally divided to the use of the said Bailiffs and Commonalty.

Item.—The Aldermen of York shall be summoned to come to the said Court of plea of land by the Serjeant of the Mayor, who shall carry his mace.

Item.—The *Assizes of Mort d' Ancestor* are held and determinable before the Mayor and Bailiffs of York every Monday at the Guildhall as is before said. The process whereof is such, that is, to wit, He that would have such an Assize shall come before the Mayor and Bailiffs in the Chamber of the Guildhall some Monday, as is said in the Assize of Freshforce, and shall make a bill containing the form of the Assize of Mort d'Ancestor according to the case, which bill shall be enrolled. And afterwards the common clerk shall make another bill containing all the matter of the former bill, making mention of the title and the assembly of Mayor and Aldermen. And such bill shall be sent to the Bailiffs to serve according to the custom, which writ shall be served by some Serjeant of the Bailiffs, that is, to wit, the said Serjeant, Wednesday next, after the delivery of the said bill to the Bailiffs, shall make summons to the tenants of the tenements demanded by testimony of two freemen of the city, that they be at Guildhall the Monday next following to hear the recognizance if they please. Against which Monday the demandant may sue the Saturday next before to array and summon the jurors, and so afterwards against the Mondays from eight days to eight days at his pleasure. And the tenants may sue in the same manner if they please for their deliverance. And the Arrays of Panels of such Assizes shall be made by the Mayor and the Bailiffs, and their ministers, or by the Mayor and Aldermen, if any of the parties will demand the same, upon reasonable cause, in manner as is used in Assize of Freshforce. And in such Assize of Mort d'Ancestor, the parties may be essoigned as at the Common Law, and the tenants may vouch to warranty within the city, and also to foreign country.

The Mayor and Aldermen have anciently exercised a jurisdiction, and I find it called "Curia Maioris Civitatis Eborum et Civitatis ejusdem in diversis casibus terminabilibus in eadem curia".[1]

The following are *Ordinances de tempore Edward III*, which I find in a book of Mr. Justice Hutton, a worthy and learned Recorder of this city.

(1) The Court of the Mayor is holden by the custom of the city before the Mayor and Aldermen for the time being in the Chamber of the Guildhall or in the Guildhall, and this from day to day at their pleasure; And there are treated, discussed, and determined, the pleas and matters touching Apprentices and other business of the city. And there are discussed and corrected the defaults and misprisions of those who commit any fault against the customs and ordinances of the city, as well at the suit of the parties, as by Inquest of office, and in other manner, upon suggestion as the cases do require. And there they used to correct and justify the Bakers, Brewers, Victuallers, and the people of all mysteries, and to treat and ordain for the government of the city, and for the consideration of the king's peace, and other necessary points for the behoof of the city, and for the advantage of those who repair to the city. And this they used to do by their discretion and as the time requires.

(2) Also the Officers and Ministers of the city, who are found in default, are justifiable before the Mayor and Aldermen, as well upon process at the suit of the parties as in other manner, according to the discretion of the Mayor and Aldermen.

(3) The Mayor and Aldermen used to hold pleas of debt and other personal actions between merchant and merchant (by the Law Merchant) "which will here complain, and process shall be made against the parties".

(4) The Mayor and Aldermen have always used to make come before them all malefactors who have been taken and arrested within the city for lesings, and false news imagined in disturbance of the peace, and the makers and counterfeiters of false seals and charters, and for other notorious defaults. And the persons who are found guilty of these misdoings, either upon their own confessing or by inquests, they have used to punish by pillory, or imprisonment, according to their desert, and according to the reasonable discretion of the said Mayor and Aldermen.

(5) The Mayor and Aldermen or the Mayor and Chamberlains

[1] "The Court of the Mayor of the city of York, and of the same city, for divers causes determinable in the same Court."

of the City, may, before them, in the said Chamber, take recognizance of debt of all those who enter the fee to the prejudice of the city, which is called " Franchise Silver", and other duties belonging to the Mayor and Commonalty. And after the day of payment incurred, the Mayor and Chamberlains may, out of this Record, grant execution against all the goods of the said debtor, and if there be no goods, against the body of the debtor.

(6) The Mayor and Aldermen and 24 of the Council of the Chamber of the City have used and accustomed to make choice of two honest men, to have and enjoy under the Mayor the keeping of the standard within the Franchise of the City, that is to say, of bushels, half bushels, gallons, demi-gallons, and of all other manner of measures and weights. And they shall be sworn before the Mayor to perform that office. And these men, being sworn, shall seal all fitting measures, to the end no other measures may be used within the city and franchise. And they shall take for their seal the ancient fee and salary to this office accustomed.

(7) They have also used, and accustomed, that the masters of every mystery, within the city, may choose two honest men, or more, if there be occasion, who shall be named " searchers", to keep, survey, and examine the said mysteries, according to the ordinances and statutes made and ordained for the said mystery. And if they find any default they shall present the same to the Mayor for the time being. And these men shall be sworn before the Mayor to do their duties honestly.

(8) The Mayor and Aldermen have used, time out of mind, to make penal ordinances upon victuallers, and to have the governance of the city and of the peace, according to their discretion and advice, and openly to proclaim those ordinances, within the city, in the name of the King, to be kept and observed, and this upon pain, thereupon ordained by the Mayor and Aldermen to be levied upon those who shall offend against these ordinances.

(9) By custom also of this city shall plaints of Assize of Freshforce, without writ, at the Guildhall, every Monday, be held, before the Mayor and Sheriffs of the city.

There is in the Register of Writs (fol. 286) a *Certiorari* directed to the Mayor and Sheriffs of the city of York to remove an Assize of Freshforce.

I find one of this nature, which was brought for a free rent in Skeldergate, within this city, which I shall mention by way of a case, the language only being changed from Latin to English. This document, contained in several skins of parchment, was found by Charles Fairfax, Esquire, under seal, in July 1644, amongst the ruins



ST. MARY'S TOWER, BOOTHAM.

Opp. p. 97.



of St. Mary's Tower,[1] near the walls of the city of York. This document I have seen, and it is now in the custody of Thomas, Lord Fairfax. The pleadings and proceedings being both formal and large I have contracted them in a little room. The judgment upon (these) several skins of parchment is this :—

ASSISA FRISCAE FORCIAE.

Inter Iohannem Bigod Chivaler et uxorem eius querentes, et Simonem de Elvington et al. defendentes.

John Bigod Knight, and Constance his wife, came at York before Henry Wyman, Mayor of the City of York, Robert de Kirkby, and John de Usburne, Sheriffs, the same city, on Saturday in the Feast of

[1] A parchment found among the ruins of St. Mary's Tower. St. Mary's Tower the ruins of which still remain, was a building forming the N.E. corner of the wall built around the Abbey of St. Mary by Simon de Warwick in 1266, for the protection of the monks against the ill-will of the citizens. In it were deposited the history of the Abbey by this Simon, and all other documents relating to the institution. Later, in Edward III's time, it became the depository of some royal Records of Chancery. At the dissolution, the Lord President of the North consigned to this place the charters of all religious houses north of the Trent. The wall, of which this tower was part, formed an outwork of the defences of the city. It is not to be wondered at, therefore, that the place received attention from the Parliamentary forces in the siege of 1644. At noon on Trinity Sunday, a few days before the decisive battle of Marston Moor, the tower was blown up by General Crawford, of the Scotch army. The attack was badly planned, and the besieged suffered little, rather an advantage by the affair. But it is to be deplored that the valuable store of historic documents collected within the tower for safety were buried in the ruins, or destroyed by fire and the weather. Fortunately many of the MSS. had been previously copied by Roger Dodsworth, who deserves the honour of projecting the great book, *Monasticon Anglicanum*, though as a rule only the name of Dugdale is associated with it. Nor must the part that Sir Thomas Fairfax (the Parliamentary General) took in preserving the records of St. Mary's Tower be forgotten. While Dodsworth was making his transcripts at York, he was under the direct patronage of Sir Thomas, who paid him a yearly salary for his work, which was only completed a few weeks before the tower and its contents were blown into the air. Further, after the rash act of his brother officer had ruined the precious collection of documents, Sir Thomas notified that he would reward any soldier who brought to him papers or parchments found among the *débris*, or recovered from the vicinity of the explosion. Many of the original MSS. were, in this way, found and preserved. These were for a time in the keeping of an uncle of Sir Thomas Fairfax, Charles Fairfax, Esq., of Menston, who, with Dodsworth, personally explored the ruins in search of papers. Drake says that while these documents were at Menston they were sorted and catalogued by James Torre the antiquary. Hunter also relates that one Thomas Tomson recovered thirty bundles of papers in the fallen tower. The MS. quoted by Widdrington would possess great interest for him and Fairfax, as it gives considerable information concerning the pedigree of the latter family.

St. Gregory the Pope, in the 8th year of the reign of King Henry IV, and according to the custom delivered them a certain bill containing a complaint of Assize of Freshforce, under the name of the said John Bigod and Constance, against Simon de Elvington, and others. And made their plaint of a free tenement in York—viz., of 25 shillings free rent in Skeldergate, of a disseisin to them made forty days next before. Upon long pleading, and several continuances, twenty-four recognitors (being) returned by the Sheriffs, Simon Elvington took upon him to be tenant of the whole tenement in question, whereout the rent issued, and prayed the plaintiff may show a title or specialty. The plaintiffs say, That John de Camera was seised of the rent aforesaid, and that his ancestors were seised thereof, time out of mind ; and the custom of the city of York is such, that what persons have been seised of such ancient rent, time out of mind, in the city of York, that they, their heirs, and assignes, may distrain for such rent; and that John de Camera granted the rent by his deed, showed in Court, dated 1282, 10 Edward I, to John, the son of John Banwell, to which grant one Jordan Braly, being tenant, attorned, and that John the son of John Banwell granted this rent to William Fairfax of York, and his heirs, the deed, dated in the 32nd year of King Edward, son of King Henry, and the tenant attorned to this grant ; That William Fairfax had issue John Fairfax and died seised : John had issue Thomas and John died seised ; Thomas had issue William Fairfax and died seised ; and that William had issue Thomas and died seised ; And Thomas Fairfax, being seised, did by his deed in the 16th year of King Richard II, grant this rent, amongst divers other rents, and lands, in the city of York, therein particularly named to John Hotham, and Edmund of Killingwick, Knights, and to John Fairfax, clerk, and others, and their heirs, and the tenants of the lands attorned ; And Sir John Hotham, Sir Edmund Killingwick, and others, did by their deed, dated the 24th March in the 18th year of Richard II, grant the same rent, and other premises, to Constance, late the wife of William Fairfax (son of the said Thomas), and daughter of John Mauley, or de Mala Lacu, the 7th Baron of that name, to have and to hold to the said Constance, and the heirs begotten between the said Constance and the said William Fairfax, the remainder to the right heirs of the said Thomas Fairfax. The tenants attorned. And Constance after the death of the said William Fairfax, being seised, did afterwards marry Sir John Bigod, and he and his wife were seised. And because the rent for six years was behind, demanded, and denied to be paid, they were seised, until they were so disseized by the defendants.

The tenants taking by protestation the several grants, attornments, and descents, justify the plaintiffs averring them all, pray the same

may be enquired of by the Assize, which being all found by the recognitors, who also enquired who were present at the disseisin, and if any payment of the rent had incurred hanging[1] the plea. And the Court after several days of advisement and the adjournment of the plea, at last gave judgment, that Sir John Bigod and Constance his wife should recover seisin of the rent aforesaid, issuing out of the tenements put in view, and damages of £8 10*s.* taxed.

In P. 12 Henry IV, B. R., Civitas Eborum, Rot. 36, I find a judgment reversed, given in the Court of the Mayor of the City of York, in an Assize of Freshforce wherein George Mowbray, John Eston, and Emma his wife, did recover their seisin of 4 messuages *infra quarentenam*, against John de Stalingburne because he said he did produce a sufficient plea to bar the said George and others from their assise. This appears in a long plea containing three rolls of parchment. And the possession was ordered to be restored.

In P. 13 Henry IV, B. R., Civitas Eborum, Rot. 39, there is a plea of an Assize of Freshforce between John Northby, citizen of York, and Katherine that was the wife of John Binglay, and John Swinefleet the son of the said Katherine, for 18 messuages in the city of York *infra quarentenam*.[2] They desired to make some amendment of errors.

Placita coram domino Rege apud Eborum de Termino Pasche anno Regis Edwardi Tercii post conquestum primo:[3] An allowance is made of the Liberties of the Mayor and Burgesses of York to determine their pleas arising within their city before themselves. And the like allowance appears in several Eyres. Itinerary, in Michaelmas, Anno 17, Rot. 2 et 5; It. Trin. An. 9 Rot. 6; It. An. 9, Rot. 29; It. Mich. An. 14, Rot. 1149; It. Mich. An. 16, Rot. 94; It. Mich. An. 17, Rot. 2 et 5; It. Mich. An. 22, Rot. 15, 119, et 120.

This Assize of Freshforce is esteemed *sestinum remedium*, upon which ground I find in the Escheat Roll in 12 Edward I, No. 41, an Assize of Freshforce brought in the County of Northumberland by the custom used in that county, in the lieu of an Assize of Novel

[1] Hanging = pending.

[2] Quarantine was a benefit allowed by the law of England to the widow of a man dying seised of land, whereby she might challenge to continue in his principal messuage or chief mansion house, so it be not a castle, by the space of forty days after his decease. Quarantine was enacted by Magna Charta, and by the same statute it was provided that widows should not be distrained to marry afresh if they chose to live without husbands. This was levelled against feudal lords, who used sometimes to force widows to a second marriage for the purpose of obtaining the fine, which was payable to them on marriage.

[3] Quoted again on p. 101, and also on p. 116 with a brief notice.

Disseisin. And the reason is given in the Record, because the county is very far distant from the Courts of Justice.

Mr. Selden, in his notes upon Hengham,[1] Fol. 137,[2] mentions a case in 30 Edward I,[3] out of a manuscript copy, for I shall not conceal it, though it seems to trench upon this city, at least in their want of formality. The case was that the Sheriff of Yorkshire was commanded by a writ out of the Chancery to make come before the Justices of the King's Bench, the appeal of John de Morton together with John de Touthorpe attached by his appeal, with all things touching that appeal. The Sheriff returned his writ, that he had sent to the Mayor and Bailiffs of York (for sheriffs were not till afterwards) who made answer, That John de Morton had appealed John de Touthorpe for a malicious assault made upon him in Steyngate in the City of York, and then and there robbed him of a tabard of the price of 3*s.* 2*d.* against the peace, etc. The manner of the attachment was demanded of the Mayor, and if there were meynour, etc., and by what warrant he held such a manner of plea. The Mayor said that John de Morton held up his hand upon John de Touthorpe, and found pledges to sue his appeal before the coroners by whom he was attached, and that they took and held the plea of this appeal in their Guildhall by custom of the city, time out of mind, without writ and without meynour or pulfre, etc. And the Judgement is, That because of the Law of England, the Mayor and Coroners of any city, cannot hear and determine such appeals unless the cognizance of them be granted unto them by Charter of the King or his predecessors, or unless they have a special writ, for the Oyer and Terminer of such a plea, because such pleas belong to the King, by reason of his Royal right, and to no other. Judgment was given that the said appeal was void. And because the Mayor and Coroners hath not there any meynour or pulfre, and John de Morton being solemnly called, doth not prosecute his appeal here, this court would not proceed at the suit of the King, against John de Touthorpe, but *eat inde sine die.*

[1] Ralph de Hengham: Just. K. B. 1270 (probably); Ch. K. B. about 1273. Removed from his office and fined, 18 Edward I; Ch. C. P. 1301; died 1309. He was Canon of St. Paul's, and held the Chancellorship of Exeter, the professions of the Church and the Law being united, very often, in those days. He left three books of law, *Registrum Brevium*, and two others known as *Hengham Magna* and *Hengham Parva.*

[2] *Hengham Magna* and *Hengham Parva* are printed by Selden at the end of his edition of Sir John Fortescue's *De Laudibus Legum Angliae* (pub. 1616), under the title of *Summae, Magna Hengham et Parva, vulgo nuncupatae.*

[3] P. 30 Edward I, MS., 280 *a.*

The Mayor and Citizens have a liberty, that all their pleas shall be determined within the said City, and there have been allowances made thereof. Plac. cor. Rege ap. Ebor. Ter. Pas. 1 Edward 3, Rot. 46; et Ter. Mich. 17 Edward 3, Rot. 2.

II.—There is a Court of Record held upon Ouse-Bridge, before the Sheriffs, which hath cognizance of all sort of pleas within the city, and county of the same.[1] The Recorder is only an Assistant to the Sheriffs in this Court who are the Judges. This is an ancient Court, though the office of Sheriffs in this City be not very ancient, and it was formerly held before the Bailiffs of the City, in whose place the Sheriffs are now. The style of this Court is:—"Curia Civitatis Eborum tenta coram Vicecomitibus."[2]

I shall mention some things which I found in the ancient books of the city concerning this Court. (The following is) out of the Black Book, intituled, *Registrum inceptum tempore Johannis Austinmore et Thomae Aton Vicecomitum civitatis Eborum de hiis quae pertinent ad officium Vic. Anno Domini* 1421, *A° 9 Henry V.*[3]

(1) The Sheriffs of the city shall have their Court, both of men of the city and of strangers, but in a several degree. The Court between franchised men shall be three days in the week, and no more, viz., Tuesday, Thursday, and Saturday. But if one of the parties be a stranger, and unfranchised, then the Court shall be every day except Sunday, for the ease of the stranger at the will of the Sheriffs.

(2) If one freeman summon another he must be summoned the night before the Court. And, at the Court, the defendant may have eight days advisement. And both parties shall have day[4] till that day sennight,[5] on which day, the defendant may be essoigned. And upon that essoigne day, day shall be given till that day sennight, upon which day he may proffer his law and have that day sennight to perform it, and may then be essoigned of his law till that day sennight, and then failing shall be condemned. If the thing in demand be

[1] The Court of Record of the City of York is still in existence, notwithstanding the County Court Acts. It is held quarterly before the Recorder. The Sheriff does not now sit as Judge. Actions arising out of contracts and wrongs in the city are heard and determined in this Court, and executions are levied by an officer called the Serjeant-at-Mace. Similarly there is a Mayor's Court in the city of London, a Court of Passage at Liverpool, and a Court for the Hundred of Salford.

[2] "The Court of the city of York, held before the Sheriffs."

[3] "The Register begun in the time of John Aldestonmar (usual form) and Thomas Aton, Sheriff of the city of York, concerning those things which pertain to the office of Sheriff (A.D. 1421), in the 9th year of Henry V."

[4] Time shall be given. [5] A week.

under 13*s.* 4*d.* he may perform his law by himself: if it be more he must perform it *duodena manu*, that is to say, with 11 persons and himself.

(3) If a man be distrained to answer in any plea in this Court, the serjeant shall bring sufficient distress to the Court as will most disease him, and the likest to garr[1] him answer. And if he come not, the distress shall abide in the Court, and he shall be distrained anew from Court-day to Court-day to the time that he appears, either in person, or by an Attorney: then the distress shall be delivered to him that owes it.

(4) If a man be distrained, though he make default, he shall lose no issues, by the custom of the city.

(5) If a man be to be distrained, and the serjeant returns that he hath no goods, to be distrained by, then the Court shall award a *capias* directed to the serjeant to take the defendant to answer the plaintiff in the plea.

(6) If an inquest be summoned between party and party and make default, then the jurors of the inquest shall be distrained by their goods severally, from Court-day to Court-day till they appear, and they shall not have their distress again till 12 appear. But they shall lose no issues by the custom of the city.

(7) The Court-day next before St. Thomas' Day, before Yule, if a franchised man be essoigned against another, day shall be given by that essoigne to the next Court-day after St. Hilary Day, and the same wise the day shall be given by day reasonable, or day of advertisement *ut supra*. And when the Court is done it shall be adjourned between franchised men till the next Court after St. Hilary Day. In the same wise if a franchised man wage his law he shall have the same day to make his law.

(8) The Court-day, the Tuesday next after Palm Sunday, shall be adjourned, and the parties shall have day till Tuesday next after Low Sunday. And likewise the Court-day next before Whitsunday shall be adjourned to the Tuesday, next after

[1] Garr, a northern word, meaning to make. See Halliwell, *Dict. of Archaic and Provincial Words*, p. 392.

> Than he prayed the portere
> That he would be his messynger,
> And "gare" him hafe an ansuere.
> —MS. Lincoln, A. 1, 17, f. 131.
>
> And yf the king me "garre" falle can,
> What y am ther wottyth no man.
> —MS. Cantab., Ff. II 38, f. 246.

Trinity Sunday; and these Courts are called "Three Courts of long Adjournment".

(9) If a strange arrest be made of certain goods, and the party defendant make default, the plaintiff may ask the goods to be priced, and before they be priced, they shall be 4 days after in the Court, and at the 4th day end the plaintiff may ask delivery of the goods, and they shall be delivered, but or they be delivered, the party shall find surety in the Court, that is to say 2 sufficient men bounden for him to inn the goods, or the value of them as they shall be priced, if the defendant come within a 12 month and a day, and can prove lawfully that he owe not the sum that is asked by this plaint.

(10) Also if a strange arrest be made of certain goods, and priced, and after 4 days delivered to the plaintiff, the third man comes too late to own his goods.

III.—And as to causes depending in this Court (and to others also, as I am informed), there hath been, time out of mind, a Chancery before the Lord Mayor, etc., but it is usually for such causes as are first depending in the Sheriffs' Court at Ouse Bridge.

The case[1] of Martin (Plaintiff) against Marshall[2] and Keyes[3] (wherein some question was made of the jurisdiction of this Court) was thus. Martin brought an action of trespass, for assault, and imprisonment against Marshall and Keyes defendants, who pleaded a special jurisdiction to this effect, that at the city of York where this trespass is supposed to be done, time beyond the memory of man, there hath been a Chancery held before the Mayor and Aldermen of the city,[4] in a Chamber appointed for that purpose, to discuss and determine all matters whatsoever belonging to such a Court; and that they have used to award such process as the Chancery at Westminster, so as the parties be citizens, and that the things in question do arise within the city; And when there is a bill there depending, to summon the defendant there by precept, to be directed from the Mayor alone to the Serjeant-at-Mace. And if the defendant will not appear, nor obey their order, then to attach the defendant by a precept to be directed to the said Serjeant. And that the decree or judgment ought to be given by them all. And the defendant said that one Marshall and his wife did exhibit a bill containing thus much:—That his wife had lent money to the now plaintiff, upon which the now plaintiff had set his hand to the book. And he did also sue for other

[1] This is a very notable case. It occurred in the year 1613.
[2] Thomas Marshall, a mercer, who was Lord Mayor that year.
[3] Keyes or Key was Serjeant-at-Mace, who had made the arrest.
[4] On this case the Court of Chancery or Equity was abolished.

moneys lent by himself to the plaintiff. And because he wanted witnesses to prove this, he had no remedy at law, but prayed relief in Equity, and saith that the Mayor did command him to summon the then defendant now plaintiff to appear, and afterwards for his contempt the Mayor did command him to attach him. By force whereof he did take him, which taking and imprisonment is the said taking and imprisonment in the declaration mentioned. And the other defendant did assist him. Upon this plea the plaintiff did demur in law. Which case the Lord Chief Justice Hobart[1] hath reported[2] to be adjudged against the defendants upon a gross fault in the pleading, for where the prescription was for precepts to be directed, which must be understood by writing, the precept to Keyes in that case, whereby the plaintiff was taken, was by word. And this fault was really the cause of the judgment, and not upon the point of the Court of Equity, for therein, as I have seen by the report at large, the judges were not all of one opinion, and they were unwilling to have that point argued at first, in regard it seemed to trench upon the High Court of Chancery. But in that case, it is further said that Serjeant Hitcham did argue for the plaintiff that a Court of Equity could not lie in Grant, and that it had been resolved by Popham,[3] Anderson,[4] Gawdy,[5] and Walmsley,[6] that the King could not grant to the Queen to hold a Court in Equity. And my Lord Hobart said that he held it a great question whether a Court of Equity could stand upon grant or prescription only, and seems to incline that it cannot either by grant or prescription. And surely, by the grant of the King a Court of Equity cannot be erected ; and therefore the grant to the Queen of a

[1] Sir Henry Hobart, Bart. ; Ch. C. P. 1613, when Sir Edward Coke was removed from that office to receive the appointment of Ch. K. B. Died December 1625. His *Reports* were published after his death, and passed through several editions.—Foss, *Judges Eng.*, vol. vi, p. 328.

[2] *The Reports of that learned Sir Henry Hobart, Knt., late Lord Chief Justice of his Majesties Court of Common Pleas at Westminster. Resolved and adjudged by himself and others*, etc. (pub. 1641). No. 64, *Martin* versus *Marshall and Key*, pp. 86, 87.

[3] Sir John Popham, Ch. K.B. 1592 ; died June 1607. His integrity has been assailed in respect to one of his estates—Littlecot, Wilts—but has been fully justified. His *Reports* are not valued.—Foss, *Judges Eng.*, vol. vi, p. 179.

[4] Sir Edmund Anderson, Ch. C. P. 1582 ; died August 1605. "The *Reports* which he collected, and which were afterwards published, prove the industry and devotedness with which he pursued his profession."—*Ibid.*, p. 51.

[5] Sir Thomas Gawdy, Just. Q. B. 1574 ; died November 1588. His legal arguments are quoted by Dyer, Plowden, and Coke.—*Ibid.*, vol. v, p. 488. On his death he was succeeded (Just. Q. B.) by his half-brother Francis. Sir Francis died 1606.

[6] Thomas Walmsley, Just., C. P. 1589 ; died November 1612.—*Ibid.*, p. 191.

Court of Equity was justly resolved to be a void grant. And though some of the Queens of England have exercised such a power, yet the Queen could make no prescription, because she had only an estate for life.

But with all due reverence to so reverend and learned a judge, I humbly offer these sceptical considerations as to a court of Equity, that it may be by custom or prescription, for may not this be gained by custom and usage as well as other things of as great a nature? Are not all the sons in Kent heirs in Gavelkind[1] by custom only, contrary to the rule of the Common Law, by which the land is to descend to the eldest only? And the custom of Borough-english,[2] by a contra position, makes the youngest son inheritable and not the eldest. What hath the Bishop of Durham more for his Chancery than custom and prescription? Or the Chancery at Westminster more for its jurisdiction in Equity? He that will deny the strength of custom and ancient use in that case will peradventure be much to seek to find out another original. The Chancery at Westminster and Durham differ only in the latitude and extent; the former is epidemical as to all England, that of Durham circumscribed within the County Palatine. And that I take to be the true reason of the different pleadings in the Chancery of England, and in a particular Chancery of Durham, Chester, or London; for a thing done in Chancery, the plea is not begun with a prescription, because the jurisdiction of that Court is universal over the whole nation. That Court distributes equity to all the people of England. The law, which is universal over England, shall never be laid as a common

[1] This custom (the descent of lands in equal portions to all sons, or, in the case of no issue, to all brothers) may be said to have been universal. The right of primogeniture obtained in this nation by the introduction of Military Tenures. It was preferable to preserve the fee entire, so that the tenant by knight service, who by his tenure was to attend the king in his wars, might do so with dignity and grandeur; and the choice fell upon the eldest son because he was the soonest able to perform the duties of the fee. The cause of the continuance of Gavelkind in Kent has been a subject of great dispute.—*Vide* Robinson, *The Common Law of Kent*, p. 22.

[2] This custom (the descent of land to the youngest son or brother instead of the eldest) is derived through our Anglo-Saxon ancestors. In 1 Edward III 12 *a*, it is said that in Nottingham there are two tenures, *Burgh Engloyes*, and *Burgh Frauncoyes;* and that all the tenements, whereof the ancestor dies seised in *Burgh Engloyes* ought to descend to the youngest son, and all the tenements in *Burgh Frauncoyes* to the eldest, as in common law. Thus it would appear that the Normans gave this kind of descent the name of the *custom of the Saxon towns*, to distinguish it from their own law.—*Vide* Robinson, *The Common Law of Kent*, Appendix.

custom, because "communis consuetudo Angliae est Lex Angliae."[1] What is the Equity and Chancery in Wales held before the Justices Itinerant there in their circuits, and which the Lord Marchers had? Is it not supported by custom and prescription only, and as like this Chancery before the Lord Mayor of York as one thing can be like another?

This of York is like the Chancery of the Lord Mayor of London. And although the customs of London be confirmed by several Acts of Parliament, yet it must be granted that they were customs, and so used before they were confirmed. And that particular Chancery of the Lord Mayor of London never had any special Act of Creation or confirmation in that particular which I can learn of. And by the statute of Magna Charta all the customs of boroughs and cities be confirmed as well as those of London.

Andrewes and Webb in B.R. in the Reports set out in the name of Mr. Noy, Fol. 147;[2] it is said that it was agreed by the Court that a Court of Chancery may be by prescription, as the Counties Palatine, and the Mayor's Court of London, which is called the Mark Court, because the Mayor may mark any cause in the Sheriffs' Court before judgement although it be after verdict, and may examine it (10 Henry VI, 14). But by Coke, Chief Justice, a Court of Equity cannot be by grant of the King, because it took its birth from the subject. And in this principal cause a *Procedendo*[3] was granted to the Mayor's Court.

Upon the Courts of this city and upon all other Courts of Justice, I heartily wish there might be inscribed, not only upon the doors, but engraved in the breasts of the judges, that distinction which George Sandys, a son of an Archbishop of York,[4] reports[5] to be set over the Courts of Justice, Zante :—[6]

[1] "The common custom of England is the law of England."

[2] Noy (William), *Reports and cases taken in the time of Queen Elizabeth, King James, and King Charles, etc.* (pub. 1656).

[3] Procedendo is a writ which lieth where an action is removed out of an inferior court to a superior.

[4] The youngest son of the Archbishop, b. at the Palace, Bishopthorpe, 1577. He was a traveller and a poet. His translation of the *Metamorphoses* of Ovid appeared in 1632. As a versifier he was admired by Dryden and Pope.

[5] *Sandys Travailes: containing a history of the original and present state of the Turkish Empire, etc. A description of Greece Aegypt the Holy Land Lastly Italy described, etc.* (pub. 1615), p. 6. This book enjoyed a considerable reputation, passing through several editions.

[6] The capital of one of the Ionian Islands, of the same name. Sandys calls it Zacynthus, its ancient name.

" Hic locus odit, amat, punit, conservat, honorat,
Nequitiam, pacem, crimina, jura, probos."[1]

IV.—Before I conclude this chapter, I shall give you the history, "Ab ovo usque ad mala",[2] of the Court established in the North, before the Lord President and Council at York, or at least so much of it as I can learn.

In the 28th year of King Henry VIII, being the year of our Lord 1536, there happened a great commotion and rebellion in the North. The rebels expressed their grievances, as also their desires in some articles, one of which was that no man upon subpoena or Privy Seal from Trent northwards appear but at York, or by attorney, unless it be directed upon pain of allegiance, or for like matter concerning the King.

Soon after this (though I shall not assign this for the only cause), in the 29th year of his reign, the King established a President and Council in the North. The right noble Duke of Norfolk was appointed Lord President. I shall set down all the names of the Lords President, and Council Learned, at the conclusion of the chapter, and therefore omit them in this place. The first Court or sitting was held before him and others of the Council, the 25th of April, 29 Henry VIII.

And it appears from the *Book of Decrees* there, 29, 30, and 31 Henry VIII, that the sittings were holden four times in the year, and that they exercised jurisdiction for establishing possessions of lands, punishment of extortions, and other misdemeanours, and held pleas of debt, trespass, actions upon the case, etc., and also suits in equity, but this without a legal or firm foundation, for the establishment was only by the King's Letters Patent. And the institution of this Jurisdiction was especially for the relief of the poor against the oppression of great men. And great men were seldom Plaintiffs in this place, unless it were for their rents.

King Henry VIII, having thus set up this Court (though not upon sound legs), after three years experience thereof, in the Parliament held in the 32nd year of his reign, the establishment thereof was taken then to be so good and gracious a favour to the people, that in Parl. 32 Henry VIII, cap. 50, there is amongst other things a recital

[1] "This place
hates loves punishes upholds honours
villainy peace crimes laws the upright."

[2] Horace, *Satires*, lib. I., s. 3, l. 7, "From the egg to the dessert," *i.e.*, *from the beginning to the end.* The dinner commenced with egg.

of the erection of this court ; and for that and other favours the Parliament granted to the King 2 Subsidies, and 4 Fifteenths. This statute is left out of the print in later times, but it is in the Parliament Rolls.[1] *Vide* Lord Coke, *Jurisdiction of Courts*, Fol. 246.

The Statute of 5 Elizabeth, cap. 4, gives power to the Lord President and Council in the North to determine controversies between master and servant, and to hold pleas touching those matters.

In the Statute, 5 Elizabeth, cap. 9, against Perjury, there is a proviso, that it shall not restrain the Lord President and Council in the North, but that they may punish Perjury as they did before, so they impose no less punishment than is imposed by that Act.

By Statute, 13 Elizabeth, cap. 2, if any Bulls of Absolution from the Pope be tendered, it is Misprision of Treason. Provided that, if he reveal to the Lord President or Vice-President of the Council of the North, then he shall incur no penalty.

By Statute, 13 Elizabeth, cap. 13, liberty is granted to transport corn when it is at reasonable prices, so that no restraint be made by order of the Lord President and Council of the North.

Statute, 18 Elizabeth, cap. 9, restrains transportation of leather under great penalty to the master of the ship, but excuseth the master if he shall give knowledge to the Lord President and Council in the North in such manner as is there appointed.

As the Parliament, so the learned Judges of the Common Law took notice of this Court, for in a case in the 6th of the late King, between Sir Thomas Mounson, plaintiff, and Dawson Lister, and others, defendants, which I did hear argued, the then learned judges of the King's Bench resolved, That the patent granted to John Lepton, etc. (4 Jacobi Regis), of the office to make, write, and exhibit all letters and process called the King's Letters, with Bills and Declarations upon them, concerning such suit, was a monopoly of the Common Law, so that the reverend Judges of the Law had a case of the Attorneys and Clerks in that Court, and of the people also who were suitors there.

I have mentioned these things by way of story only, and not to justify the legality of that Court, which I know and acknowledge in the year 1641, was voted by the House of Commons to be illegal, and transmitted by them to the Lords in Parliament, at a Conference. But the vote was not occasioned by any petition made against the Justices of the Court. It is reported of Simon Magus that he lost

[1] Coke, Sir Edward, *The fourth part of the Institutes of the Laws of England, concerning the Jurisdiction of Courts* (pub. 1644).

the use of his feet by affecting wings. And this Court by the additaments of several Turrets of Instructions and want of a sure foundation by Act of Parliament lost the feet on which it first stood.

I shall conclude this with the words of Sir Edward Coke, Chief Justice of the Common Pleas, and after of the King's Bench, a person of eminent knowledge in the Common Law, and a very passionate lover of it, and of the extent of the jurisdiction thereof. His words concerning this Court are these:—"And in respect of some continuance it hath had, and many decrees made, it were worthy the wisedome of a Parliament for some establishment to be had therein." —*Jurisdiction of Courts*, p. 246.

A CATALOGUE

of such as were Lord Presidents in the North, and of the Council Learned, there.

29 Henry VIII; Thomas, Duke of Norfolk.
Cuthbert, Bishop of Durham—the most learned and famous Cuthbert Tunstall, formerly Master of the Rolls.
Robert, Bishop of Llandaff, afterwards Archbishop of York.

4 Edward VI; Francis, Earl of Shrewsbury.

3 Elizabeth; Henry, Earl of Rutland.

6 Elizabeth; Thomas, Archbishop of York.

11 Elizabeth; Thomas, Earl of Sussex.

15 Elizabeth; Henry, Earl of Huntingdon.

38 Elizabeth; Matthew Hutton, Archbishop of York. He was not Lord President by Commission, but authorized by Letters under the Privy Signet, as Chief of the Council, to assist in execution of that Commission. This Matthew Hutton was born at * * * in Lancashire,[1] where he founded an hospital for poor people, and did well endow the same.[2] He had been Fellow and Vice-master of Trinity College in Cambridge, then Master of Pembroke Hall, the King's Professor of Divinity in that University, Dean of York, Bishop of Durham, and lastly Archbishop of York, of whom, for his learning and gravity, this great expression was publicly given: That he was

[1] Warton, in North Lancashire.

[2] He founded the Grammar School and Almshouses at Warton shortly after his election as Archbishop.—*Vide* Fuller, *Worthies* "Lancas."; *Hutton Correspondence*, ed. by Raine (Surtees Society, 1843); Cooper, *Athenae Cantabr.*, vol. ii, p. 421; Wood, *Fasti Oxon.*, ed. Bliss, vol. i, p. 197.

worthy to sit President in a General Council. Sir John Harrington writes[1] that Luke Hutton, the famous robber, was one of his sons, but he much erred, in so saying, though I believe unwittingly, for he doth in other things speak very honourably of him. This Archbishop had only 2 sons, Sir Timothy Hutton, and Sir Thomas Hutton, who did, both of them, live in good esteem, and reputation in their county, and the posterity of both is remaining at this day. But the truth is that this Luke Hutton was the son of Doctor Hutton, Preacher at Newcastle-upon-Tyne, who was the brother of this Archbishop.

A.D. 1599; Thomas, Lord Burleigh, afterwards Earl of Exeter.

1 James; Edmund, Lord Sheffield, afterwards Earl of Mulgrave.

19 James; Emanuel, Lord Scroop, afterwards Earl of Sunderland.

A.D. 1628; Thomas, Viscount Wentworth, afterwards Earl of Strafford.

COUNCILLORS OF FEE.

Thomas Fairfax, Serjeant-at-Law, who was the younger son of Sir Guy Fairfax.

Ralph Bowes, Esquire.

William Bapthorpe, Esquire.

Robert Challoner, Esquire. This Robert Challoner was of Gray's Inn, as appeareth by his last will, dated the 7th of July 1555, remaining in the Prerogative Office at York, where are these words, "I will that all my books of law, as well those which are at York, as at my house, also those that be in London, if they can be conveyed, had, or carryed to Grayes Inn, to my cosen Robert Nowell; And then 40*s.* in money to be delivered to ye said Robert Nowell, to the intent, that he may buy chaynes therewith, and fasten so many of them in the Library at Gray's Inn, as he shall think convenient. Allso I give to the Commons of Gray's Inn xx*s.* for such wrong as I did to the House, when I continued there."[2]

Thomas Gargrave, Esquire, afterwards Sir Thomas Gargrave, Knight, and Speaker of the House of Commons in Parliament, in the first year of Queen Mary.

Richard Norton, Esquire.

Robert Maynell, Serjeant-at-Law.

Francis Frobisher, Esquire.

Ralph Rookby, Serjeant-at-Law.

George Brown, Esquire.

Christopher Eastoft, Esquire.

[1] *A brief view of the state of the Church* (pub. 1653), p. 192.

[2] The first reference to the Library of Gray's Inn, in the records of the Society, is under the date of 1568. This item is an account of certain repairs effected in a "Chamber by ye Lyberary". But the will of Robert Chaloner of Stanley shows that the library existed before the date mentioned by the records.—*Vide* Douthwaite, *Cat. of Books in the Library of the Honourable Society of Gray's Inn.* Preface.

John Vaughan, Esquire.
Henry Savile, Esquire,
William Tancred, Esquire.
Ralph Rookby, Esquire.
Robert Bowes, Esquire.
Francis Wortley, Esquire.
Humphrey Bridges, Esquire.
Lawrence Blundeston, Esquire.
Ralph Hurleston, Esquire.
Humphrey Purefry, Esquire.
Edward Stanhope, Esquire, afterwards Sir Edward Stanhope, Knight.
William Cardinall, Esquire.
Charles Hales, Esquire, afterwards Sir Charles Hales, Knight.
Sir Thomas Hesketh, Knight, Attorney of the Court of Wards.
Samuel Bevercotes, Esquire.
Richard Williamson Esquire, afterwards Sir Richard Williamson, Knight.
Sir Cuthbert Pepper, Surveyor of the Courts of Wards, and Liveries, and also Attorney of the Court of Wards.
Sir William Ellis, who was a double reader of Gray's Inn.
Sir George Chaworth.
Sir Thomas Tildesley.
Sir Thomas Ellys.
Sir George Ellis.
Sir John Lowther, of Lowther, in the County of Westmoreland.
Christopher Brook, Esquire, who was nominated, but died before he came down to take possession of the place.
Sir Richard Dyot, who was also Temporal Chancellor of Durham.
Sir William Dalton.
Sir William Wentworth, brother of the Earl of Strafford.
Sir Edward Wrightington, of Gray's Inn, who was a person of great learning and integrity.

The Judges of Assize for the Northern Circuit have always been in Commission with the Lord President and Council, and often sat with them in hearing causes and execution of that Commission, as by several Presidents appeareth.

Sir John Savile, late one of the Barons of the Exchequer, and one of the Justices of Assize for this Circuit, was Vice-President, and several other times sat in Court with the Lord President and Council.

CHAPTER VII.

The Rivers and Bridges in the City of York.



THE river of Ouse (for it hath had that name for many years) doth flow through this city, within the walls. I may justly say of this river and city, with the change of the name only, what a poet long since said of another city and river,

"Nobilis urbs et amoena situ, quam labilis Ousa Irrigat."[1]

The water of Ouse, so far as the bounds of the franchise of the city extends, is parcel of the city, as well the one part of the water as the other. And as much as belongs to the said water, within the said franchise, hath ever been in the government of the city, as parcel of the city; and the Mayor and Bailiffs of the city have always used to make arrests and executions at the suit of the parties in the said water of Ouse, that is to say, from the west part of the said River of Ouse, beginning at one fountain called Bampton Well unto Bishopfleet, and from the east part of the same water from the bound assigned of the franchise of the said city towards the south in the meadows of Fulford, under one fountain called the Haukewell, unto a sewer in the Feteseng or in the meadows of Clifton towards the North.—*Ex antiquo libro apud pontem de Ouse.*

[1] "(It is) a renowned city, pleasantly situated, watered by the gently gliding Ouse."

I shall tell you what I have found in some ancient Records concerning this river in reference to this City, and leave the application.

I find in the Chartulary of the Hospital of St. Leonard, a charter of the Earl of Cornwall running thus :—"Sciant praesentes et futuri quod nos Edmundus Comes Cornubiae dedimus concessimus et hac praesenti Charta nostra confirmavimus pro nobis et haeredibus nostris et pro salute animae nostrae patris et matris et omnium antecessorum nostrorum, Magistro et Fratribus Hospitalis Sancti Leonardi[1] Eborum in puram et perpetuam eleemosynam hanc libertatem videlicet quod ipsi et successores eorum in perpetuum libere possint ducere et cariare pro eorum voluntate per alveum aquae de Youre et Ouse a villa nostra Ponteburgi usque Civitatem Eborum, omnia victualia et alia bona sua propria et quae ad ipsam domum seu Hospitale proprie spectant et pertinent et in eorum usus proprios omnimodo converti debent, sine ullo pedagio, theolonio seu aliqua exactione consuetudine vel demanda servitii, Ita quod, etc. In cujus rei testimonium praesenti scripto sigillum nostrum duximus apponendum Hiis Testibus Richardo Comite Cornubiae fratre nostro, Galfrido Rossell, Roberto de Aumari, Waltero de la Prille militibus, Semanno de Stokes, Rogero de Wallingford, Johanne Cissore, Rogero de Drayton, Michaele de Norhampton et aliis."[2]

[1] Sir Thomas has a chapter concerning this hospital, but it may be well to anticipate a few facts here. In gratitude for his victory over Constantine, King of Scotland, King Athelstan in 936 bestowed upon the secular canons of the Cathedral Church of St. Peter, York, one thrave of corn out of every carucate of land in the bishopric of York. They used their gift wisely, founding with it a hospital. At the Conquest William I confirmed the Royal grant of the thraves of corn. King William Rufus removed this hospital to the site where the present ruins stand, and so much enlarged both the buildings and revenues that he is often spoken of as the founder. King Stephen built in connection with the hospital a church, which he dedicated to St. Leonard, which name supplanted the former name of the hospital. (Vide *Mon. Ang.*, vol ii, p. 367. Copied by Dugdale from a Register of St. Leonard's, Cotton MSS.) The privileges of St. Leonard's Hospital were confirmed by King Henry II and King John, the latter granting the brothers timber for their building and wood for their fires, with grass and pasturage for their cattle through the whole forest of Yorkshire. Drake gives a very complete list of the possessions of this house.

Thomas Magnus, being then Master, surrendered this house December 1, in the 37th year of Henry VIII.

[2] "Know all men present and future that we Edmund, Earl of Cornwall, have given, granted, and by this our present Charter confirmed, for us and our heirs, and for the health of our soul and of the souls of our father and mother and all our ancestors, to the Master and Brethren of the Hospital of St. Leonard at York, in pure and perpetual alms this liberty, namely, that they and their successors for ever may freely lead and carry, according to their will, through the bed of the Youre and

By this it should seem that no passage was there, but by the leave of the Earl of Cornwall, who was the Lord of Knaresborough and Boroughbridge. The contrary whereof will appear by the following record:—*In quodam Rotulo Assize, in anno* 7 Edward I, *coram* Willielmo de Saham *comitatu Eborum.* I shall give you the record in English. "The King sent his writ to the Justices here, etc., upon the complaint of the Mayor and Citizens of York, that Richard, late King of Alemania, who was Earl of Cornwall, deceased, did levy some new customs and took new tolls of the passengers which carried their wares by the River of Ouse and Yore to Boroughbridge and York, and for that he hindered the said citizens and others from their free piscary in the rivers. And the King sent his writ to the said Justices, to know from what time, his said uncle deceased and Edmund, Earl of Cornwall, his son, had continued the said usurpations, etc. The said Mayor said, that the said Richard, etc., did take of the passengers, etc. Edmund, Earl of Cornwall, prayed aid of the King, because that the King Henry, father of the King that now is, did give unto the said Richard the manors of Knaresbrough, and Boroughbridge, and said that these rivers are part of the said manors. And the Earl produced another writ of the King directed to the former justices, in these words:—

"'We have thought fit to give you this premunition as well for the preservation of our right as for the exhibition of justice to others, as of right ought to be done.'

"And because it seemed to the justices that this writ did not supercede their proceedings according to the tenor of the former writ, and that it appears to be the pleasure of the King out of these words in the later writ *Pro Exhibitione Justiciae*, to be a command to proceed, therefore, they did proceed to take the Inquest upon the articles in the said writ contained, whether these rivers be part of the manors aforesaid, etc.

"And Walter de Falconberge, Marmaduke Tweng, John de Bellew, William de Rosse, Simon de Constable, Ralph the son of William,

Ouse water, from our town of Boroughbridge, as far as the city of York, all their own victuals and other goods, both those things which belong and pertain properly to the same House or Hospital, and those which are to be converted in any way to their proper uses, without any pedage, toll or any exaction, custom, or demand of service, so that, etc. In witness whereof we have thought fit that our seal be affixed to the present writing. Witnesses: Richard, Earl of Cornwall, our brother; Geoffrey Rossell, Robert de Aumari, Walter de la Prille, knights; Seman de Stokes, Roger de Wallingford, John 'Cissor' [*i.e.*, tailor], Roger de Drayton Michael de Norhampton, and others.'

William de Ryther, William de Hartlington, William de Holtby, William Lovell, Francis de Teyes, Amand de Rue, John de Bulmer, Adam de Seton, William the son of Thomas, Adam de Maurewell, Robert Holme, Henry the son of Conan, Roger de Burton, John the son of Michael, William de Hasthorp, Nicholas Mauleverer, Richard de Waxand, Geffrey de Hewick, Robert de Buleford, and Hawlake de Hanlakenby, all of them Knights, did say, upon their oaths, that the said rivers of Ouse and Yore are not of the appurtenances of the said manor of Knaresbrough, nor of the appurtenances of the said manor of Boroughbridge or Aldborough, nor ever were. And they further said that the said rivers, time whereof the memory of man was not to the counting, were free and common, and that all people were free to fish there, and to have passage by the same for all carriages of merchandise, and necessaries between the walls of the city of York and Boroughbridge, until the said Richard did usurp to himself the said waters to hold as his own several.

"And thereupon the Justices gave judgment that the said rivers, as the King hath commanded, be for ever after free to all people for fishing and for the carriage of their victuals, merchandise, and other goods by batells and ships between the city aforesaid and Boroughbridge, and between Boroughbridge and the city, without giving anything therefore, and without the impediment of any. And an Inhibition was given on the King's behalf, and that no man then after should be hindered from fishing or carriages, in or upon the said rivers."

I have mentioned this Record the more fully—(1) Because there appears by it the justice of those times against so great a person as the Earl of Cornwall then was. (2) What important persons did then serve upon juries. All of them knights. (3) That this river was then navigable to Boroughbridge, but it is not now, without some difficulty it being coarcted in many places, which is to the great disadvantage of this city, which King James, at his first coming to this city from Scotland in the year 1603 (as I have heard), did promise to redress by cutting the river, and that he would give order for a Bill in Parliament to that purpose.

The citizens of York did then carry their merchandise up the River of Ouse "usque ad veterem pontem" (which is Aldborough) "ad pontem Burgi" (which is Boroughbridge). And it appears by Hoveden,[1] f. 257, that Harold Harfager, King of Norway, at the time of the Battle of Stamford Bridge, came in at the River of Humber, and from thence as far up the River of Ouse as Riccall, with 300 ships borne.

I find the like to the former Record in Edward III's time. The

[1] See page 127, note 1.

title of the Roll is thus :—" Placita coram domino Rege apud Eborum de Termino Trinitatis anno Regis Edwardi III, post conquestum primo." This is in the custody of the Chamberlain of the Exchequer, and it is entered in an old Coucher book of the city kept on Ouse-bridge.

Eborum 21—a long plea containing seven rolls touching the fishing and passage by the Rivers of Ouse and Yore to be free for the Citizens of York against the Liberties of the Earl of Cornwall, within Knaresborough and Boroughbridge, wherein it is adjudged that the citizens and others passing by those rivers to or from York shall be free from the payment of any toll or any other thing at Knaresborough and Boroughbridge.

I find in *Annales Monasterii B. Mariae Eborum*, mentioned before, that in the year 1279, at the Purification of the Blessed Mary (I use the words of the book), the river of Ouse was adjudged to be common to all passengers, and to all fishing there by the Justices Itinerant at York against Edmund, Earl of Cornwall. I must not conceal what the story farther says: " Sed Rex appropriavit sibi piscariam ejusdem aquae per antiquos suos Rotulos postea inventos."[1]

The citizens of York (as it highly concerns them) now are most careful of their rights in this river, insomuch as the men of Pontefract, in Henry III's time, made complaint that they were hindered by the citizens of York from going by the river from the town called Ermyn unto the good town of Pontefract. This they showed was to the great loss of Pontefract; because by reason of the impediment aforesaid the ships which used to go to Pontefract do now go to York. I find not what was done herein.

The bridge over this river, within the city of York, is called Ouse-bridge. Thomas Stubbs reports that in Christmas time, Anno Domini ——,[2] the inundation of the river was so great that it flowed over the end of the bridge towards Micklegate, *usque ad quadrivium.*—T. Stubbs, *Act. Pontif. Ebor.*, fol. 1731.

The bridge was at first made of wood, and was broken when William, Archbishop, came to the place. The bridge of London was formerly of wood, and was first built of stone in King John's time.

King Richard II gave licence to the Mayor and Citizens of York to purchase lands to the yearly value of £100 within the City and suburbs, which should be held in burgage, " to hold the same to the Mayor and Citizens and their successors for ever for the perpetual sustentation and support of the bridges of Ouse and Foss within the

[1] " But the King appropriated to himself the piscary of the same water, by his ancient Rolls, afterwards discovered."

[2] This was in the year 1263.

City, and of other bridges within the suburbs of the City: and also of divers chaplains and other ecclesiastical ministers celebrating divine service in the chapel upon Ouse-bridge, which the Mayor and Citizens do sustain for the honour of God, and to pray for us, and our heirs, and for the Mayor and Citizens. And this they may purchase with a *non obstante* to the statute of Mortmain."[1]—Charta de an., 15, 16, et 17 Rich. II, m. 20, n. 14.

Leland mentions Foss-bridge to consist of[2] arches; Monk-bridge on Foss, without Goodramgate, of five arches; Layerthorpe on Foss, three arches.—Ex *Inter. Joh. Lelandi*, incepto A.D. 1538, an. 30 Henry VIII.

Anno Domini 1268, in the vigils of the Blessed Virgin Mary, the citizens of York did make their peace with John Comin, Baron of Scotland, for £300, to be paid to the said John, and for two chaplains to celebrate divine service for ever upon the Bridge of Ouse, where the offence was committed (*Annales Monasterii B. Mariae Eborum*).[3]

There is another river which runs through some part of this city. It runs near the Castle, upon which York Mills do now stand, commonly called the Castle Mills,[4] which as I have heard are not very ancient. Before the building of them, the place where they stand was a fair green, and a passage from Fishergate Postern to the Castle, and used for bowling, shooting, and other diversions. Part of this river goes through the city, but invisible, it running under a bridge in the way to the Castle, beset on both sides with houses.

It appears by Inquisition that in the 30th year of Edward III divers had fished "in stagno Domini Regis de Fosse" at divers times, and had made *porcaviam*[5] upon the bank aforesaid to the prejudice of the fish.

I find that in the time of King Edward III, upon the complaint of Oliver Sandhus, to whom the custody of the fish-pond was

[1] Mortmain signifies an alienation of lands and tenements to any guild, corporation, or fraternity, and their successors, which may not be done without the licence of the sovereign, and the lord of the manor, or of the sovereign alone, if it be immediately held of him. Property which cannot be employed in any temporal use is thus spoken of as lying in a dead hand—*manus mortua.*

[2] The omission is in Leland.—Vide *Itinerary*, vol. i, fol. 61.

[3] Whether the Chapel of St. William was built on this occasion, or previously when the bridge was constructed, is a matter which still remains a question.

[4] There is, in the Museum (Y.P.S.), a relic of these mills. This is a stone "with a plain cross in relief, brought from the Castle Mills, destroyed in 1856. These mills originally belonged to the Knights Templar. The chapel, over the doorway of which this stone was placed, belonged to the Guild of St. George."

[5] Porcavia=Pig-sty.

committed by the King, that he pretended he was hindered to take the profits belonging to the river, and that others challenged a right of fishing there. Upon which the substance of the writ was "to survey, enquire, and certify the accustomed bounds of the fish-pond, and what other profits belong thereto." The patent bears the date of Skipton-in-Craven, 20 Oct., 17 Edward III.

And this was done by 24 Knights and other good men of the city of York. By virtue of this an inquisition was taken at York on Saturday next after the octaves of St. Martin, by the oaths of—Thomas Bolton, Thomas Rivers, William Wyvell, Geffrey Upsale, Jo. Minor, William Darell, Alexander Percy, Richard Goldsborough, Henry Hartington, Hugh Pickworth, Richard Davering, John Flemyng, Thomas Sheffield, and John Nevill, Knights, and others.

The justices and jurors did view the fish-pond, and found that "one head thereof extends to the King's Mills, under the Castle of York, towards the south. And towards the north and east the fish-pond is divided into two arms, whereof that towards the north extends itself to the water-mill of the Abbot of St. Mary of York,[1] and the other arm extends itself to a certain woody cross anciently situated at the end of the said arm, between the land of the Prebendary of Tang and the land of the Hospital of St. Nicholas,[2] near York. And the old and accustomed bounds of the said fish-pond are, that is to say, so much as the water of the said fish-pond occupies, so that the water be in the channel, within the banks everywhere and not without. And that the King hath not any ground of his own without the banks aforesaid, or near the arms aforesaid, or profit, unless it be as much as the fisher of the said fish-pond can mow of the grass and rushes, one of his feet being in a ship or boat, and the other foot without upon the ground of the bank, with a little scythe in his hand in summer-time, the water being in the channel within the banks[3] aforesaid." They say also that "the water of the said river rising or falling, the fishing of the same belongs to the King. And that no other hath fished there in the time of the King. In witness", etc.

By the statute of 13 Edward I, it is provided that the waters of the Humber, Ouse, etc., shall be in defence for taking salmon, from the Nativity of our Lady till St. Martin's Day; and likewise that

[1] Like the Castle Mills, this flour mill was on the Foss, but situated some distance from the city, on the way to Huntington, at Earsley Bridge.

[2] This hospital stood without Walmgate Bar, the name being retained to-day in Nicholas Street. The house was an ancient one, and enjoyed Royal patronage, the Empress Maud, wife of Edward I, making a grant to the brethren of a carucate of land. Drake gives this inquisition in his Appendix XL.

[3] In English—"withinnen the brinks".—T. W.

young salmon shall not be taken nor destroyed by nets, nor by other engines at mill pools from the middest of April until the Nativity of St. John Baptist (Regulation of Fishing in the River Ouse, 13 Edward I, c. 48; 19 Richard II, c. 19).

King Henry IV, in the 4th year of his reign, did in aid of the making of Foss bridge, make a grant in these words:—"Rex dilectis sibi Maiori et Communitati Civitatis nostrae Eborum salutem. Sciatis quod in auxilium facturae pontis vocati Fosse-brigg ultra aquam nostram de Fosse infra Civitatem nostram praedictam, qui in casu ruinae existit, ad grave dampnum dictae Civitatis et totius patriae adjacentis, ut accepimus; Concessimus vobis quod a die confectionis praesentium usque ad finem quinque Annorum proxime sequentium plenarie complendorum, capiatis per illos [quos] ad hoc deputaveritis, de qualibet carecta carcata cum victualibus merchandisis seu aliis rebus venalibus ultra dictum pontem transeunte, vel ad mercatum ejusdem pontis veniente unum denarium, et de quolibet sumagio equi cum victualibus mercandisis seu aliis rebus venalibus ultra pontem praedictum transeunte vel ad mercatum praedicti pontis veniente unum quadrantem. Et ideo vobis mandamus quod Consuetudines praedictas usque ad finem praedictorum 5 annorum recipiatis, et eas circa facturam pontis praedicti convertatis in forma praedicta. Volumus autem quod completo termino praedicto Consuetudines hujusmodi penitus cessent et deleantur. In cujus, etc., per praedictos quinque annos duraturas. Teste Rege apud Westmonasterium xxvi die Octobris"[1] (Pat. 4 Henry IV, p. 1, m. 22).

[1] "The King to his beloved the Mayor and Commonalty of our city of York, greeting. Know that, to help the making of the bridge called Foss-bridge, across our water of Foss, within our aforesaid city, which is in a state of ruin, to the grave damage of the said city and of the whole adjacent country, as we have been informed; we have granted to you that, from the day of the making of these presents until the end of five years next following fully completed, you may take, by those whom you shall appoint for the purpose, one penny from every cart laden with victuals, merchandise, or other things for sale, crossing over the said bridge, or coming to the market of the same bridge, and one farthing for every horse-load of victuals, merchandise, or other things for sale, crossing over the aforesaid bridge, or coming to the market of the aforesaid bridge. And, therefore, we command you to receive the aforesaid customs until the end of the aforesaid five years, and to convert them, as aforesaid, to the making of the aforesaid bridge. We will, moreover, that when the aforesaid term is completed these customs shall entirely cease and be abolished. In witness, etc., to last throughout the aforesaid five years. Witness the King at Westminster, 26th day of October."

CHAPTER VIII.

The Suburbs of the City.



THE suburbs of late amounted to a sixth part of the city, wherein there were many parish churches, and many fair and substantial houses, but all these were wasted to ashes with fire in the year 1644, and there is very little new being given to any of them at this day.

Bootham, where the Abbey of St. Mary stood, is part of the suburbs of this city, which fact engendered many differences between the City and the Abbot. I shall speak of the Abbey distinctly in another chapter.

Bootham hath been, time out of mind, part of the suburbs of the city of York. It is the King's street, and extends in length from Bootham Bar to a wooden gate at the farther end of that street, which anciently was called Galmhawlith[1] where the officers of the city used to stand to take and receive the toll and customs. And the breadth of it is from an ancient stone wall which encloseth a court there, lately called Earleborough,[2] where the Monastery of St. Mary was afterwards seated, to a ditch called Kenyngsdyke, which encloseth the suburbs on the other side. Within which bounds there

[1] This name of an ancient gate which separated the city from the Forest of Galtres, is through corruption variously spelled. The derivations of the first and last syllables are fairly certain, the former being borrowed from the name of the forest, and the latter (hithe) being the Anglo-Saxon for gate (*portus*).

[2] This is now known as Marygate.

is a street called St. Gillygate[1] and another street which is called the Horse Fair, where the Mayor and Bailiffs do every year hold their chief fairs belonging to the city.

An ancient claim of the citizens to this district is given in these terms :—

(1) The citizens say that the street of Bootham is a suburb of the city of York, and all the tenants of the same are gildable to the King, and the tenements there are gildable, and are held of the King by husgabul,[2] and they be devisable by will, and they are in all things of the same condition and custom as the other tenements of the city, and they pay no relief. (De articulis et responsionibus liberatis coram Domino J. de Kirkby[3] per 12 Juratores.)[4]

(2) That in the said street of Bootham there was never any market, fairs, tumbrell, pillory, or any other thing that belonged to a free borough, levied; but all things belonging to a market or toll were taken and done by the Mayor and Bailiffs as within the suburbs of the city.

(3) The street of Bootham doth begin from the great gate of the city which is called Bootham Bar, and goes to an outer gate, which anciently was called Galmhawlith, and to the ditch of the said suburbs which is called Kenynsdyke.

(4) In all the Eyres of the Justices, time out of mind, as well the Pleas of the Crown as other pleas of Bootham have been pleaded within the city, as a suburb thereof: and the same have been presented and terminated by twelve men, and by the Coroners of the city.

(5) And whereas the Citizens have by the charters of the King's Progenitors, and by confirmation of the King himself, that the dogs in the suburbs of the said City should not be expeditated, in the suburbs of Bootham, which is within the Forest of Galtres to the great gate of Bootham Bar, the dogs have not been expeditated.[5]

(6) In the book of *Domesday* where all the vills and boroughs of England are named there is no mention of Bootham.

[1] So called from the Church of St. Giles which stood here. Given in the *MS.* as St. Jellygate.

[2] Husgavlum is rent tax, or tribute laid upon houses.

[3] John Kirby was Lord Bishop of Ely, A.D. 1286; died 1290.

[4] "Articles and Answers delivered before Sir J. de Kirby and twelve Jurors."

[5] In the forest laws, to expeditate signifies to cut out the ball of dogs' forefeet, so causing lameness, for the preservation of the King's game. Every person who kept a dog not expeditated forfeited 3*s.* to the King. The ball of the foot of the mastiff was not cut out, but the three claws of each forefoot were cut to the skin. Ex Magno Rot. Pipae de anno 9 Ed. II.—*Vide* Blount, *Law Dictionary.*

(7) Anciently, upon the river Ouse, between the King's street of Bootham, and the river aforesaid, there was an ancient street inclosed with a ditch, and doth yet appear, which in English is called Earlesborough: and it was of old time the land of Alan, Earl of Richmond, who gave that street to Stephen de Lastingham Abbot; within the bounds of which street, Bootham, or any part of it towards the north, is not contained.

(8) And if Bootham were the Borough of the Abbot, the Abbot should rather be called the Abbot of Bootham, than the Abbot of York.

(9) And by the law of the land, no man ought to have a free borough market, or fair, unless it be at least five miles from the neighbour boroughs and markets. And if a borough so near as this should be tolerated, the King would lose all his contributions, fines, amerciaments, escheats, and other aids, to the disinherison of the King, and subversion of the city.

(10) And this appears, by an inquisition, taken before M. Pateshull[1] and his companions, Justices Itinerant, at York, in the third year of King Henry son of King John. It is found that the said Abbot did challenge to himself liberties as well within the city, as without, in the suburbs of the same. And the seisin of the said Abbot was enquired of by twenty-four knights, and no seisin was found in him, of the Liberties within Bootham.

(11) And in the same inquisition it is contained that Walter Daniel, a serjeant of the Liberty of the Abbot, was appealed of the death of his wife by William Shiftlyng, brother of the wife. And the Abbot did demand his Liberty, but he could not have it. And a duel was joined between them, and Walter was vanquished in the field and hanged, and his goods and chattels forfeited to the King. And after this the men of the Abbot came and took away the body and interred it in the garden of the Abbot, which he claims to be within

[1] Martin de Pateshull held some office in the Court of King John. Early in the reign of Henry III he was raised to the Bench. In 1226 he was made Archdeacon of Norfolk, and in 1228 became Dean of St. Paul's, London.

"The fourth report of the public records (App. ii, 161) gives an amusing testimony to his activity in performing his legal functions. In a letter to the authorities, a brother Justice appointed to go the York circuit with him prays to be excused from the duty, 'for', says he, 'the said Martin is strong, and in his labour so sedulous and practiced, that all his fellows are overpowered by the labour of Pateshull, who works every day from sunrise until night.' The writer therefore prays to be eased of his office, and allowed to go quietly to his church in the county of York, to which he had been lately presented, and to have letters of dispensation." Pateshull died in 1229.—*Vide* Foss, *Judges Eng.*, vol. ii, p. 438.

the precincts which he calls his free borough of Bootham. The Abbot was hereof convicted, and put in the King's mercy. And the Bailiffs of the King digged up the body and again hanged it in an iron chain. More of this matter will appear in the Rolls of the Crown, in the city of York, before R. de Thurkelby,[1] and his companions Justices Itinerant in the 30th year of ;[2] and in the Iter. of Silvester Bishop of Carlisle, and R. de Thurkelby and his companions at York, in the 35th and 36th years of;[3] and in the Iter. of R. de Thurkelby, in the 4th year, and before G. de Preston[4] and his companions, Justices of the King's Bench, where it is found that William de Edghes remaining in Bootham, was indicted of the death of Margaret his wife, before the Coroners of the city, in the 17th year of the then present King, and was arraigned before the said William and his companions in the Guildhall of the said city and acquitted.

(12) And in the Iter. of the Justices Itinerant at York, in the 8th year of King Edward, son of King Henry, it will be found that the Abbot of St. Mary's had no right, claim, or liberty, in Bootham, nor challenged any.

(13) And in the *Book of Domesday*, it is contained, that no man hath custom, as burgess, except Merlesuain in one house, which is within the Castle, and except the Canons where they dwell.

(14) William of the Abbey, and William of Sutton, Richard Trusey, Lawrence, Benchard, and Lawrence Bootham, dwelling in Bootham, were hertofore Bailiffs of the city of York.

I shall in this mention an agreement, which was made between them by the mediation of William de Thoresby, Archbishop of York, in the 26th year of Edward III, which was expressed in an indenture, which I have seen, dated the 16th day of January 1353, in the 26th year of Edward III.

This was done by Commission under the Great Seal made to William de Thoresby, Archbishop of York and Lord Chancellor of England, as appears by P. 24 Ed. III, p. 2, m. 29 *in dorso*. And in the meantime, till the agreement was made, the King did grant a Com-

[1] Roger de Thurkilby: Just. Itinerant 1240; Just. 1241; died 1259. He is represented as being second to none of his contemporaries in his knowledge of the laws.—Foss, *Judges Eng.*, vol. ii, p. 483.

[2] Henry III. Thurkilby's name first appears in Midsummer, 24 Henry III (1240), when he was one of the four Justices Itinerant appointed to the southern district.

[3] Henry III.

[4] Gilbert de Preston: Just. Itin., 1240. His name appears last in the list of the four justices referred to in note above. Just. 1242; Ch. C. P. 1272: died 1274.—Foss, *Judges Eng.*, vol. iii, p. 140.

mission in the nature of a sequestration for Bootham unto Sir William Tayleboys, and Sir Robert Ros of Igmanthorpe, reciting that out of the fulness of his kingly power he had taken the same into his own hands. This Commission bears date the 14th of July, 24 Ed. III.

And by that give they the boundaries of this part of the suburbs. The substance of which is that Great Bootham, with the curtilages,[1] posterne, and all appurtenances (except one street which is called St. Marygate and some other small tenements) is declared to be within the jurisdiction of the city and the franchises thereof.

And the street of St. Marygate and all the tenements within the same, from the round tower (then newly built) unto the river of Ouse, and the place called Alemory,[2] inclosed with a wall and hedge, against the north to the field of Clifton, and then against the west by one ditch to the water of Ouse, the site of the Abbey, and without the walls to the water, shall be to the Abbot, the city being excluded, of all jurisdiction there. It shall be lawful for the Abbot to cleanse the ditch which descends from the said round tower, butting on St. Marygate, against the gate of the said city, which is called Bootham Bar, which ditch is within the suburbs of the city, for the safeguard of the walls of the city, by which the city is inclosed, against the great street of Bootham.

And when there is occasion to repair the walls of the Abbey, the Abbot shall have conveniency in the high street for the said tower and walls. The city shall not build in the place where the said ditch is, which descends from Marygate against Bootham Bar, but the Abbot may build houses there. But in such case they shall be within the jurisdiction of the city, as parcel of the suburbs of the city, but not otherwise. The Abbots nor monks shall not be arrested or attached by their persons in any part of Bootham except for felony, or trespass by commandment of the King or of his justices, stewards, or marshals of the King's house, nor their victuals, or chattels, shall be arrested nor taken in any part of Bootham by the Mayor. And the Mayor and Commonalty of their goodwill and liberality, do will and grant that if

[1] Curtilage, from the French "cour", court, and Saxon "leagh", *locus*. The word signified a yard, backside, or piece of ground lying near a dwelling-house where hemp, beans, and such like were sown. The word as used above refers to the lands adjoining the postern or gate.

[2] Almry Garth. This was the name given to the meadow in which the Abbot of St. Mary's used to keep his prime cattle, or cattle bestowed upon the Abbey for charitable purposes. The word is derived from almoner. The site lies immediately behind the houses on the west side of Marygate.

any cattle be attached, they shall be carried to the gate of the Abbey so as they may not perish, be lost or purloined. And because it is against reason that the tenants of the Abbot should be doubly charged with payments, both to the city, and to the Gildable, the Mayor and Commonalty is to take care that they be not charged with the Gildable to contribution. And they shall not be outrageously charged, but charged as they were wont to pay. And to be of the same condition and privilege with men of trade, in the water of Ouse, between the ditch which runneth between the Abbey and the walls of the city, and that ditch which runneth on the backside of the Alemory garth, between the meadow and the abbey, which is called The Little Inge, and the meadows of Clifton, so always as the Mayor and Commonalty have their jurisdiction as before. The Abbots nor monks shall not be arrested, nor any of their ministers, except for trespass or felony, for any cause saving for matter of bonds, deodands, chattels of fugitives, and of felons, and of other franchises real, belonging to the said Mayor and Commonalty. And that the goods, victuals, chattels, or carriages of the Abbot or monks, shall not be arrested for any manner of debts within the manors of Paynelaythe, and Seywardshow, nor shall be arrested within the street of St. Gillygate, by their goods, chattels, victuals, beasts, or carriages, which shall come, or be sent, within the said manors, except it be for debt or damages recovered against the said Abbot. And that shall be days after such judgment given, within which time, no execution shall be done. But in all other places arrests may be made by the Mayor. And saving all other privileges and franchises to the Mayor and city, in all other places.

This is the substance of that agreement expressed by indenture under their hands and seals.

Thomas Stubbs, in his book of *Act. Pont. Ebor.*, fol. 1732, 1733, mentions this as a memorable act of John de Thoresby, the Archbishop, and Lord Chancellor of England, that he did most prudently settle and appease this great difference. And surely the making of peace in a neighbourhood is an honourable and blessed act!

I find in Close Rolls 25 Edward III, m. 33, the King did direct a writ to the Escheator of Yorkshire in these words:—

"Rex dilecto et fideli suo Willielmo de Plompton Escaetori suo in Comitatu Eborum salutem. Quia inspecto placito pendente coram Cancellario et Thesaurario nostris et aliis de Consilio nostro inter dilectos nobis in Christo Abbatem et Conventum Ecclesiae Beatae Mariae Eborum et dilectos nobis Maiorem et Ballivos Civitatis nostrae Eborum de quadam placea terrae vocata Bouthom et libertatibus ejusdem, videtur peritis de Consilio nostro dictum placitum absque

brevi originali et alio debito processu inde habitis fuisse inchoatum, per quod eidem placito ulterius coram dicto Consilio nostro tenendo duximus supersedendum. Et ideo vobis mandamus quod placeam praedictam occasione praemissa in manum nostram captam et in custodia vestra existentem, ut dicitur, una cum libertatibus, praefatis Maiori et Ballivis sine dilatione restituatis. Tenendam prout eam tenuerunt ante captionem ejusdem in manum nostram. Volumus enim vos inde erga nos exnunc exonerari. Praefato Abbati dicentes, quod versus dictos Maiorem et Ballivos ad communem legem prosequatur. Teste Rege apud Westmonasterium 13° die Februarii.

"Per breve de privato sigillo."[1]

Civitas Eborum Rot. 47. That Roger Wale, and Johan his wife should recover their seisin of 3 tenements in the suburbs of York without Mickleditch of which they had been disseised by the Escheator there by virtue of an Inquisition thereof taken before.

The Priory of St. Clement stood in the suburbs near Skeldergate postern, which Priory was founded by Archbishop Thurston.

The charter whereof is mentioned in *Monasticon Anglicanum*, f. 510., and also the charter of the Confirmation of the Dean and Chapter of St. Peter's of York, and King Henry.

And King Henry, as it appears by an Inspeximus, Charta 1 Ed. III, No. 44, did confirm all other grants made to this priory.[3]

[1] "The King to his beloved and faithful William de Plompton, his Escheator in the County of York, greeting. Whereas, after inspecting a plea still proceeding before our Chancellor and Treasurer and others of our Council between our beloved in Christ the Abbot and Convent of the Church of St. Mary at York and our beloved Mayor and Bailiffs of our city of York, concerning a certain plot of and called Bootham and its liberties, it appears to the skilled ones of our Council that the said plea was begun without original writ and other due process being had thereanent, wherefore we have thought fit that the said plea should be dismissed from further proceeding before our said Council. And, therefore, we command you without delay to restore to the aforesaid Mayor and Bailiffs the aforesaid plot, which was taken into our hand on the aforesaid occasion, and which remains (as is said) in your custody, together with its liberties, to be held as they held it before the taking of the same into our hand. For we will that you be forthwith exonerated thereof as regards ourself. Saying to the aforesaid Abbot, that he may proceed at common law against the said Mayor and Bailiffs. Witness the King at Westminster, the 13th day of February. By writ of Privy Seal."

[2] This nunnery was founded about 1130, not in 1145, as stated by Drake and others. Hugh, the Dean of York, who was one of the witnesses to Archbishop Thurstan's charter, died in 1138.

[3] Later grants were confirmed by King John when at York, in the first year of his reign, and afterwards by King Edward III, in the first year of his reign, at York.

Roger Hoveden says that Anno Gratiae MCXCII[1] Geoffrey Archbishop of York, did give, and grant to the Abbey of Godstowe, the Priory of St. Clement in York. But, says he, the monks[2] who were all so free from their first foundation, would not obey the Abbot, but appealed to the Pope for the liberty of their church.[3]

There was a street, as I have been informed, without the walls, either called Jewesbury,[4] because the Jews were buried there, or Jewesbrough for that the Jews dwelt there.

[1] Roger of Hoveden (Howden, Yorks.) is said to have been born at York. He was a secular cleric and Itinerant Justice *temp.* Henry II, *ob. circ.* 1201. His history covers the period 731 to 1201. Only a fragment can be regarded as original work, *i.e.*, 1192-1201. The other portions are borrowed from Simeon of Durham, Henry of Huntingdon, the Chronicle of Melrose Abbey, the letters of Thomas à Beckett, the Chronicle of Benedict of Peterborough, etc. Hoveden was first printed in Savile, *Rerum Anglicarum Scriptores*, p. 401. Extracts appear in Leland, *Collectanea*, vol. i, pp. 123-136; vol. iii, pp. 171-212.

The original MS. is probably in existence, a text contemporary with Roger being preserved, in part, in the British Museum, and the rest in the Bodleian Library.

[2] This was a house of *Nuns* (Benedictines). The *Abbot* mentioned in this sentence is Geoffrey Plantagenet, the Archbishop. Alicia, the Prioress, visited Rome in order to present the appeal of the sisterhood to the Pope.

[3] As the result of their appeal to the Court of Rome, the nuns preserved the liberties of their house. The last prioress, who surrendered the nunnery to Henry VIII, was Isabella Warde. The house and site of this priory were granted, in the 33rd year of Henry VIII. to Edward Skipwith. After passing through various hands the house was allowed to fall into ruins, and the stones were used for the reparation of the city walls, etc.

"4th October 1745.

"At the Guildhall of and in the city of York, the fourth day of October 1745.

"And now Mr. Telford, on behalf of Mr. Perrott, agreed that this Corporation shall have stone of the old building of Clementhorpe for the repairing of the city walls, paying for the same, the part proposed to be taken down being in length eighty-five feet, in height nine feet."—Vide *Martial Annals of the City of York*, p. 221.

In 1730, during some works on the river bank, the wharf or staith of this nunnery was disclosed, and at first the masonry was mistaken for the remains of an ancient bridge.

[4] There are two localities which perpetuate the memory of the Jews who lived and traded in this city. One of these has been variously called Jubbergate, Jewbargate, and Joubretgate, and lies to the east of Coney-street. The other site lies outside the walls between Monk Bar and Layerthorpe Bridge, and is known as Jewbury or Jewborough. There can be little doubt that the former place indicates the locality where the Jews chiefly resided in the city. Tradition says that their synagogue was here. It is still more probable that Jewbury marks the situation of the ancient burial ground of these people. Prior to 1177 deceased Jews were taken to London to be interred, but Henry II granted a licence for Jews to have a

There were also several streets, and many good houses without the other three gates of the city, that is to say, Monkgate, Walmgate, and Micklegate, but these all being of late years destroyed by fire, in time of war, there is hardly left any footsteps of them.[1] I shall forbear the further mention of them, and in the next place make known unto you the ancient bounds of the city.

burial place outside the towns in which they dwelt. It is very likely that the Jews who were massacred in York Castle in the 6th year of Richard I were interred without the city walls at Jewbury or Jewburgh.

[1] At the time Sir Thomas wrote the suburbs were much reduced by the havoc wrought by the recent siege (1644).

CHAPTER IX.

The Bounds of the City of York.



THE bounds of the city are larger by much than the buildings of the suburbs of late were.

These are the ancient bounds of the city as they were agreed on in the first year of King Henry V, and afterwards in the year 1637, upon a difference then compromised between the city and the Dean and Chapter of St. Peter's at York, with the latter of which I was then acquainted.[1]

"From the river Ouse on the north, as far as a certain bridge in the Futzing, called, in English, Little Ing; and so extending by a ditch and a moor against the Spittal Well, by a way near the mill of the Abbot of St. Mary's of York; and from thence to Maudlyn Spittal, in the highway which leads from the city of York to Clyfton; and so to the mill late of John Rocliff, but now of the heirs of Sir William Ingleby, knt., and from thence by the way to the gallows of the Abbot of St. Mary's aforesaid. And there was anciently a watergate in the outgang which leads to the forest of Galtres, to a certain wood bridge there; and so by the moor to White-Stain Cross upon Astill Briggs; and so by the great stone as far as the river of Foss, descending all along by the river on the west side to the water mills of the aforesaid Abbot; and from thence beyond the river of Foss, over against the said mills on the south, extending to a certain place where a cross of wood

[1] The former part of this description is an error. The "boundary" which Sir Thomas gives was taken in the 23rd year of Henry VI (1422-1461).

stands upon Heworth Moor, over against the way which leads to Stockton; and from thence against a stone cross at the west end of the town of Heworth to Theef-Brigg, as far as the street; and so by the way as far as the cross in the way which leads to Osbaldwyck; and so proceeding in the highway which leads to Kexby, over against the bridge beyond the mill of St. Nicholas; and so returning from the said cross against the said mill, by the way leading to the Greendykes over against the close of the hospital of St. Nicholas aforesaid; and from thence to a cross in the Greendykes, over against the gallows of St. Leonard; and thence beyond Tylmyre, by a certain way leading to the wooden cross in the way which leads to Fulford, against Hallgarthfyke, and so extending directly to the river of Ouse; and beyond Ouse as far as a certain cross called Haydale Cross, in the way leading from the city of York to Bishopthorpe; and from thence directly beyond the fields called the Nun Fields, crossing Knavesmire to beyond the gallows there standing on the south side, as far as the outgang leading to the moor which is called Yorkysmoor; and from thence by a certain rivulet as far as the bridge at Holgate town-end, descending thence by a ditch there on the west to Fleet Briggs, in Bishop Fields, on the west side of the river Ouse."

These are the ancient bounds of the city. But afterwards, in the time of King Henry VI of England, the Ainsty, a wapontack of the West Riding of the County of York, was annexed to this city.

CHAPTER X.

The Ainsty of York.

♣ ♣

HAVING now spent much time in the city and suburbs, peradventure so much as to weary the reader and myself, I desire to take some fresh air in the country; and yet I shall not walk without the limits of the jurisdiction of the city, but contain myself within the Ainsty of the city of York. And I shall, in an itinerant and cursory way, give you an account of this tract of ground by the discourse of two things:—

(1) Of some villages and places in it.

(2) Of the annexation or union of it to the city.

I may call the first the material or substantive part of the Ainsty, and the second the formal or relative part of it.

When I have despatched these two things, I shall return to the city.

I know that relations have no existence but in their subject or foundation, yet in regard the relation hereof draws this into the verge of my discourse, I shall first speak of it as it stands in relation to the city, and shall speak of the substantial part of it in the last place.

I.—This, which is now called the Ainsty, was heretofore a hundred or wapontack[1] of the West Riding of the County of York.

[1] On page 78 Sir Thomas indicates that *Hundred*, *Candred*, and *Wapentake* are synonyms. We find the words so associated in Trevisa (ii, 78): "Candred is

It was annexed and united to the city in the 27th year of King Henry the VI of England, and hath ever since been part of the County of the City of York.

I find by the city books that in the several progresses of King Henry VII, in the 18th year of his reign; of King Henry VIII, in the 7th year of his reign; of King James, in the 17th year of his reign; and of the late King Charles, in the 9th, 15th, and 16th years of his reign, the King was always attended by the Sheriffs of the city at Tadcaster Bridge, which is the utmost bounds of the city towards Pontefract.

John Leland, in his *Itinerary*, says that the franchises and liberties of York stretch far about the city, especially by the enclosings of certain rivers thereabouts,[1] and one way it cometh to the very bridge of Tadcastle upon the Wharf.

The city made some claim to this by a Charter of King John before that, as appears in the Pleas before King Edward I, in the 8th year of his reign, in *Majori Recordo*[2] (for there are two records, *majus* and *minus* of that year). The mayor of the city of York did produce a Charter of King John, by which he claimed the Hundred of the Ainsty; which Charter, upon inspection, was found rased in the date in the word *Quarto*.[3] Upon the search of the Rolls in the Exchequer, it was found that King John, in the 15th year of his reign, did grant to the citizens of York, the town of York, in Fee Farm for the rent

a contray þat conteyneþ an hundred towns, and is also in Englische y-called wepentake." The word *wapentake* is peculiar to the northern counties.

It is derived from A. S. waepen=arms or weapon, and tac (borrowed from the Norse)=to touch. The word is fully explained in the laws of Edward the Confessor. When a man was elected overlord of a wapentake, he was met at a set place and time by the men of the district, who in token of fealty touched his upraised spear with theirs. The whole abstract is as follows :—

"De Hundredis et Wapentagiis, et quare Wapentac vocatur.

"Everwichescire, Nicholescire, Notingehamscire, Leicestrescire, Norhamtunescire et usque ad Watlingestrete, et VIII milliaria ultra Watlingestrete, sub lege Anglorum. Et quod alii vocant hundredum, supradicit comitatus vocant wapentagium, et hoc non sine causa: cum enim aliquis accipiebat prefecturam wapentagii, die constituto, conveniebant omnes majores contra eum in loco ubi soliti erant congregari, et, descendente eo de equo suo, omnes assurgebant contra eum, et ipse erigebat lanceam suam in altum, et omnes de lanceis suis tangebant hastam ejus, et sic confirmabant se sibi. Et de armis quia arma vocant wappa, et taccare, quod est confirmare."—*Leges Regis Edwardi Confessoris XXX.*

Sir Thomas uniformly spells the word *wapontack*, a form recognized in some of the Charters.

[1] The Nidd, Ouse, and Wharf.

[2] Ter. Pasc., Rot. 32.

[3] See page 53 *re* Charters of King John.

of £160; and because the Hundred aforesaid was not specified in the Charter of *Anno Quarto*, and also because that Charter was rased, Judgment was given against the Mayor and Citizens, and the Charter quashed. And this appears there also in *Parvo Recordo*, Rot. 8. And the Mayor was committed to prison, but shortly after bailed.

In 4 Edward I, in *Majori Rotulo*,[1] the Mayor and Bailiffs were summoned to answer the King, *Quo Warranto* they held the Wapontack of the Ainsty. And the same is also in *Minori Rotulo*. And it may be doubted whether they had good warrant saving for the Leet, and some other liberties till the 27th year of Henry VI, by whose Patent or Charter it was annexed to the city.[2]

John, the son of David of Cawood, held a messuage of the King *in capite per servitium custodiendi forestam Regis de Ure et Derwent.*

This Wapontack was formerly a forest, but was disafforested by Charters of King Richard I and of King John.[3]

Mr. Camden says that it is called by some the Ainsty or *Ancienty*, from the antiquity of it; but others have derived it from the Dutch word *anstossen*, which betokeneth limits or bounds, for which conceit I see no ground, because it had the name Ainsty many years before it became the bounds or limits of this city.[4]

This Wapontack is not very large. The City and Ainsty have been heretofore accounted the eighth part of the West Riding, or a twentieth part of the whole county of York, but it never was really so much. Now, by the poverty of the city, it is not answerable to half that rate.

The bounds of it on the north and south are the three rivers, Nidd, Ouse, and Wharf, and on the east side the river Ouse also, and on the west a dry march, in some part between it and the Wapontack of Claro.

There is a little rivulet called Foss, which waters a great part of the Ainsty. It begins about Wetherby Woods, runneth through Walton Park, Wighill Park, Helagh Park, by Catherton, over Tadcaster Moor, by Steeton, Paddockthorp, and into the wharf at Bolton Percy.

[1] Ter. Pasc., Rot. 5.

[2] *De annex. Hundred. de Ainsty, Com. civ. Ebor.*, Pat. 27, Henry VI, p. 1, m. 14.

[3] For the first of these grants the inhabitants paid £19 0*s.* 11*d.*, and for the second the sum of 120 marks and 3 palfreys: Mag. Rot., 5 Rich. I, Rot. 5*a*; Mag. Rot., 10 Joh., Rot. 18*a*.

[4] Drake derives the word from the old northern word *anent*, signifying opposite or contiguous.

II.—I am now come to the second part of this chapter, which I called the substantive part.[1]

I begin my journey from Skeldergate Postern, and in the first place[2] meet with :—

(1) BISHOPTHORP, *alias* ST. ANDREW-THORP, *alias* THORP-UPON-OUSE. In this little circuit of ground are the seats of several persons of quality. Bishopthorp is the usual residing house, of late years, of the Archbishop of York. Walter Gray, Archbishop of York about the year 1217, purchased this manor of Bishopthorp and gave it to the Dean and Chapter, so that the Archbishop, for the time being, should enjoy it without any payment of rent, and in the vacancy of the Archbishop the Dean and Chapter was to enjoy it, whereby you may perceive the Archbishop's care that this place should not, by any lapse, come to the King's hands, but always remain *sede plena* in the Archbishop, and *sede vacante* in the Dean and Chapter, as a place of repose and preservation till a new Archbishop appeared.[3]

(2) BUSTARD-THORP.[4] Bustard was owner of Bustard-thorp, which he held of David Lardnar.[5] He was also owner of some lands in Bishopthorp, held as aforesaid, and also of some lands in Middlethorp, which he held of the Abbot of Whitby.[6]

[1] One of the most interesting documents on the Ainsty is found in *Kirkby's Inquest*, a survey of several counties of England made in the reign of Edward I by the King's Treasurer, John de Kirkby (*vide* p. 121) and his fellows. The volume was published by the Surtees Society in 1866 (vol. 49), edited by Mr. R. F. Skaife of York.

[2] Middlethorp is in the parish of Old St. Mary, upon Bishop-hill, York.—T. W.

Drake gives Middlethorpe as the first place in the Ainsty thus :—"Middlethorp comes first in our way, but being in the parish of St. Mary's, Bishophill, the Elder, York, it may be said to lie in the suburbs of the city. By an ancient list of the Lords of the several manors in the Ainsty, in the time of Edward II (dated at Clifton, Test. Rege, March 5, Anno Reg., 9, 1316), Middlethorp is put down as then belonging to the Abbot and Convent of Byland ; but we find no mention in *Mon. Ang.* when or how they got it. It is at present part of the possessions of Samuel Barlow, Esq., whose grandfather built a fine house here."

It was called Middlethorpe because it was situated between Bishopthorpe and Bustardthorpe. The place acquired this name early in the 14th century. In 31 Edward I it is spoken of as Thorp Aton.

[3] *Fasti Ebor.*, p. 291 ; *Reg. Mag. Alb.*, pars. ii, 85*b*.

[4] An. 3 Edward I, No. 22, et 30 Edward I, No. 4, Escheat.—T. W.

[5] By an inquisition taken the 55th year of Henry III, the Jurors say upon their oaths that Thomas Bustard paid unto David Lardinarius yearly seven shillings for his land in Bustard-Thorp.

[6] Mr. Skaife says :—"All traces of the village of Bustard-thorpe have long since disappeared. It stood a little to the north of Middlethorpe, and near the road leading to York. In 1484 the manor of Bustard-thorpe is described as extending

(3) DRINGHOUSES. This was among the lands of Alice de Ayncourt, in the County of York, in the time of King Henry IV.

A man may conjecture that this place originally had the name from the tenure by which the land was held. In the *Book of Domesday* there is mention made of "Drenchei" or "Drenchi",[1] which are conceived to be the free tenants of a manor. The tenure by Dringage was a frequent tenure of lands :—" Carta Walteri Especke facta Hildrid de Carleolo et Odardo filio suo de terra quae sint Glassani filii Brictici et Gamel filii Beovici *Drengnorum suorum*" (Placita Termino Pasc. an. 11 Joh., Rot. 9).

(4) COPMANTHORP *alias* COPPENANTHORP, *alias* TEMPLE COPMANTHORP.[2] It was long since the lands of Robert Trusbutt, whose inheritance was divided amongst his three sisters, Rose, Hilaria, and Agatha. Copmanthorp, among other things, was allotted to Hilaria in the reign of King John. It was afterwards the lands of Fairfax,[3] and sold to the Vavasours. By an office, in the first year of Queen Elizabeth, after the death of Thomas Vavasour, Esq., it was found that he died seised of the manor of Temple-Copmanthorp, and that by his will in writing, Aug. 8th, in the 5th and 6th years of King Philip and Queen Mary, he did, amongst other things, will that his son Henry should, for the space of xx years, after his death, give unto the prisoners of the Castle of York, yearly, x shillings, but to be paid unto the hands of the gaolor, and also to the Maison Dieu of Ousebridge, ii shillings yearly during that time. Not long since it belonged to Sir Thomas Vavasour, Knight Marshal.

in length from the village of Dringhouses on the west, as far as the river Ouse on the east ; the common pastures of Knavesmire and Middlethorpe forming, respectively, portions of its northern and southern boundaries (City Records, Lib. A, 368)." *Kirkby's Inquest*, Wapentagium de Aynsty, p. 23, note *b*.

[1] Drengus, a drench, the name given to certain tenants who were put out of their lands at the Conquest, and afterwards restored.—Martin, *Record Interpreter*.

[2] "The Knights Templar had a house, chapel, and lands at Copmanthorpe, where their memory is still perpetuated by the names "Temple Fields", "Temple Garth". These fields lie on the right of the railway station approaching York. Not a vestige of the Templar buildings is left standing, but some of the ancient stones are preserved by the residents, chiefly employed in garden decoration. Nearly fifty years ago, some farm buildings were taken down in the village when many such stones were found built into the foundations."—*Martial Annals*, p. 79.

[3] The City Records show that, in the 9th year of Edward II, Willielmus de Malbysse was Lord of the Manor of Copmanthorp. It came to Fairfax by marriage with the heiress of Malbysse.

(5) ACASTER[1] MALBYS or NETHER ACASTER. This was some time part of the possessions of Malbys, and came to Fairfax many years since by the marriage of the daughter and heir of Malbys. But I have heard, though I have not seen the grant, that in the beginning of the time of King Henry VI, Walter Malbys being about to go to the Holy War[2] did grant this to Richard Fairfax of Walton, Esq., so as he changed his name to Malbys. However this was, his posterity held their ancient name, and this land also is now enjoyed by Charl s Fairfax of Walton, Lord Viscount Emelay.[3]

(6) ACASTER SELBY or OVER ACASTER. This was part of the possessions of the Abbot of Selby. Here was a college founded, called St. Andrew, as I take it, by King Edward IV.

(7) APPLETON *alias* NUN-APPLETON. (This place takes its name from a Priory of nuns) founded by Saint Quintin[4] to which Richard Falconberge was a great benefactor. The manor of Southwood in Appleton was the land of Richard Falconberge, and was given by him to Sir John Sampson of York, knight, and Mary his wife, and to their heirs and assignes. It is now a seat of Thomas Lord Fairfax,[5] wherein he hath of late built a very goodly and fair house. His ancestors have enjoyed this manor ever since the dissolution, or near that time.

[1] "The word Acaster, belonging to two villages on the banks of the Ouse—Acaster Malbis and Acaster Selby—seems to indicate a Roman origin, and to warrant the conjecture that they were forts established for the protection of the river."—*Martial Annals*, p. 33.

[2] Gough, *Sepulchral Monuments in Great Britain* (pub. 1786-96), describes the monument of Walter Malbysse, vol. i, part II, p. 122. Afterwards he corrected this notice in these words :—

"This is the monument of Walter Malbysse, before described, p. 122; but I choose to repeat it here, having since examined it on the spot this last summer, and been further confirmed in fallacy of descriptions, or representations from others (vol. i, part II, p. 177)."

Gough's second description is very complete and correct, and is as follows :—

"On the south side of the altar lies the figure of a cross-legged knight of soft white stone, in a round helmet of mail, with a fillet and mail gorget: a heart in his hands: a dragon bites the point of his shield, on which is a chevron between three horses' heads with very long necks: his sword reaches across his middle: his head rests on two cushions, and he has a lion at his feet."

The monument now lies in the chancel, on the south side. The reproduction in the plate I copied from the stone itself. The armour suggests that the figure represents an earlier member of the Malbysse family than the Walter spoken of by Widdrington.

[3] See page 151.

[4] Lady Adeliza de Sancto Quintino.

[5] The daughter of the Parliamentary General was married from this house to the Duke of Buckingham at Bolton Percy Church.





THE EFFIGY OF WALTER MALBYSSE, ACASTER MALBIS CHURCH
(See Appendix, No. 15).



HEALAUGH PRIORY:
NOW PART OF THE OUTBUILDINGS OF A FARM (SEE P. 143).

Opp. p. 136.

(8) BROCKET HALL.[1] This was anciently the seat of the Brockets in this county.

(9) BOLTON PERCY *alias* BODELTON. "Robert Percy to Roger, Archbishop of York: Be it known unto you that Picot Percy my father, a long time before the death of King Henry the Elder,[2] granted in perpetual alms the Church of Bolton to the Canons of St. Oswald of Nostell."[3]

But the Archbishop of York had it.[4]

The Church was built by one Thomas Parker, the Rector, as appears by his epitaph in the Church.[5]

King Edward the first granted licence to Robert Percy to embattle his mansion house of Bolton (Pat. 21 Edw. I).[6]

In the *Book of Domesday* the land of William Percy (is said to be) in the West Riding, in the Wapontack of the Ainsty. Amongst other things it is said that he had a wood there a mile long and half-a-mile broad. A great part of it was afterwards given by the Lord Percy towards the building of the Cathedral Church of York.[7]

This was some time the Lord Beaumont's, where they dwelt and had a manor house by the Church. Their arms are in divers places of the Church.

This was a seat formerly of Percy. Here is one of the fairest country churches,[8] which I have seen in these parts, whereof the

[1] Part of the parish of Bolton Percy.

[2] Henry I (1100-1135).

[3] Nostell Monastery, dedicated to St. Oswald, king and martyr, was begun by Ilbert de Lacy, *temp. Will. Rufi*, and finished by his son, Robert de Lacy, *temp. Hen. I.* The monks were Canons Regular of the Order of St. Augustine.

[4] The patronage was transferred to the Archbishop by the Prior in 1150.

[5] Thomas Parker, *ob. circ.* 1423. The epitaph was on the south side of the altar.

[6] Mem. 17: *Quod Robt. de Percy possit kernellare mansa sua de Sutton et Boulton in com. Ebor.*

[7] The Percys were munificent benefactors of the Minster of York. The *Fabric Rolls* show that they both sold and gave timber for use in its construction. See the chapter entitled, "The Cathedral Church or Minster of York."

[8] This Church was built about 1420. The heads of five of the 15th-century windows, and other portions of two of them, are to be seen in the collection of stained glass in the Y. P. S. Museum. The heads are specimens of fine canopy work. The other parts represent heraldic quarterings, which are so injured and confused that it is impossible to make them out. One of them is the coat of Cholmeley.

famous preacher, Mr. Bunny[1] was one parson. Within it is the tomb of Ferdinando Lord Fairfax.[2]

(10) COLTON. In the 20th year of Edward I, Garo Chaumont was seised of the manor of Colton, and it has sometimes been called Colton Chaumont.

In the 10th year of Richard II (10 Richard II in Plac. cor. Reg. Rot. 81) it was found before the Escheator that Sir John Savoy, 48 Edward III, died seised of three acres of land in Colton and that his daughters, "Margaret and Joan, are his heirs. Margaret was married to William Mowbray, and Joan is a nun."

In the 22nd year of King Henry VII, Henry Oughtred of Kexby, Esquire, in consideration of the right good counsel to him given by William Fairfax, Esq., Serjeant-at-Law, did, for the pleasure of the said William, grant to him, and his heirs, free liberty and licence to hunt and hawk in the manor and town of Colton in the shire of the City of York, with licence to fish and fowl there, rendering one red rose at midsummer only. (This grant is) dated at York, Sept. 2nd, in the 22nd year of King Henry VII.

(11) STEETON HALL[3] *alias* STIVETON. It was in the hands of

[1] Edmund Bunny, b. 1540 at Chalfont St. Giles, Bucks; d. Feb. 1618-19 at Cawood. His father (Richard Bunny of Newton Hall, Wakefield) desired that he should follow the profession of the law. Edmund preferred to enter the Church, and for carrying out this determination, he was disinherited. In 1570 he became Chaplain to Grindal, Archbishop of York, who made him sub-dean (Willis, *Survey of Cathedrals*, vol. i, p. 89), and also rector of Bolton Percy (*Ibid.*, p. 180). He was an indefatigable preacher, and devoted much of his later life to the work of an itinerant evangelist. He is well known as a theological writer of the Calvinistic school. There is a monument to his memory in York Minster.

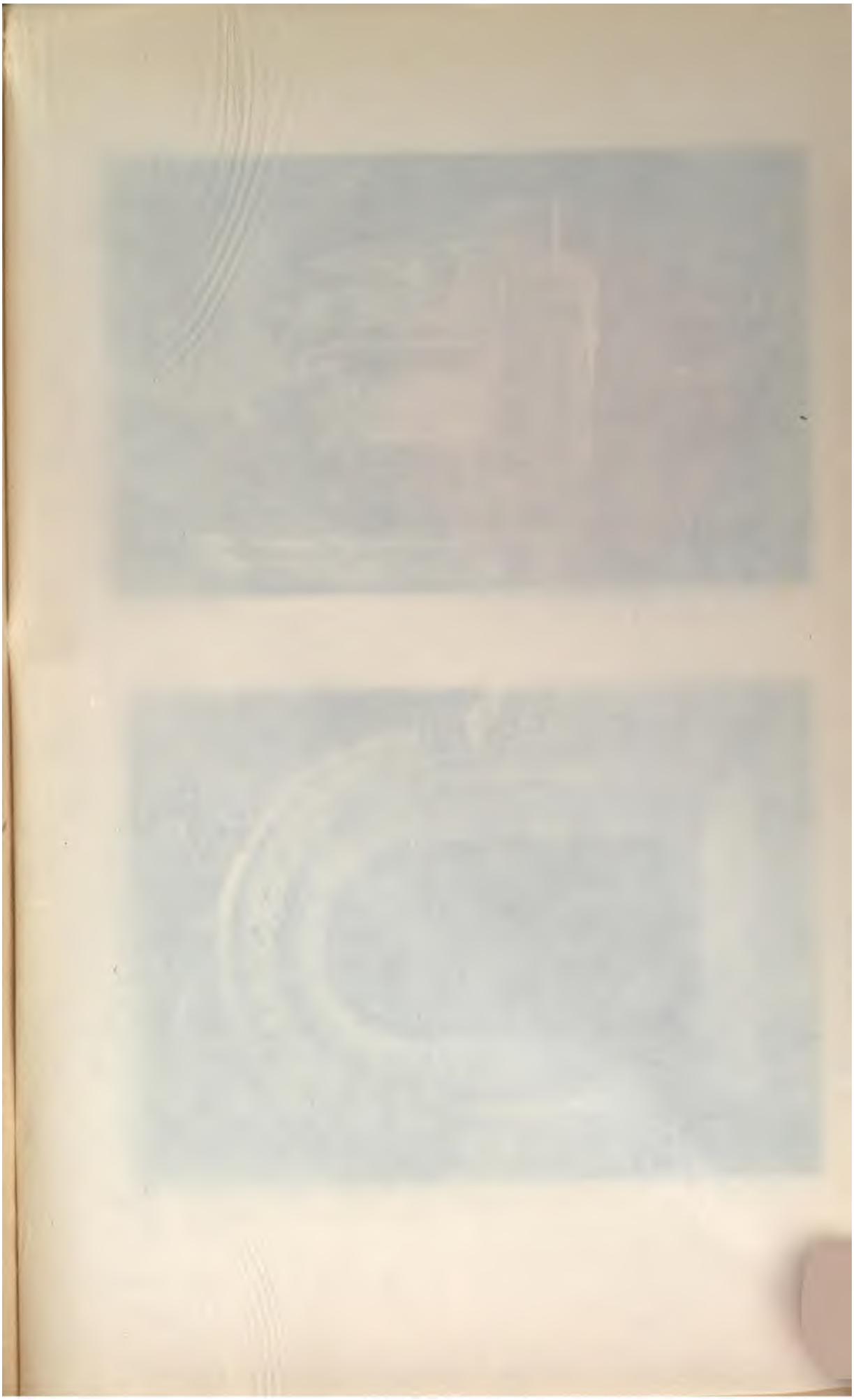
[2] The *MS.* continues "with this epitaph", but the inscription is not supplied. In the margin is this note, "Gett the epitaph in Bolton Church". One of the happiest hours I ever spent in Yorkshire was that occupied by viewing this profoundly interesting Church. The epitaph runs as follows:—

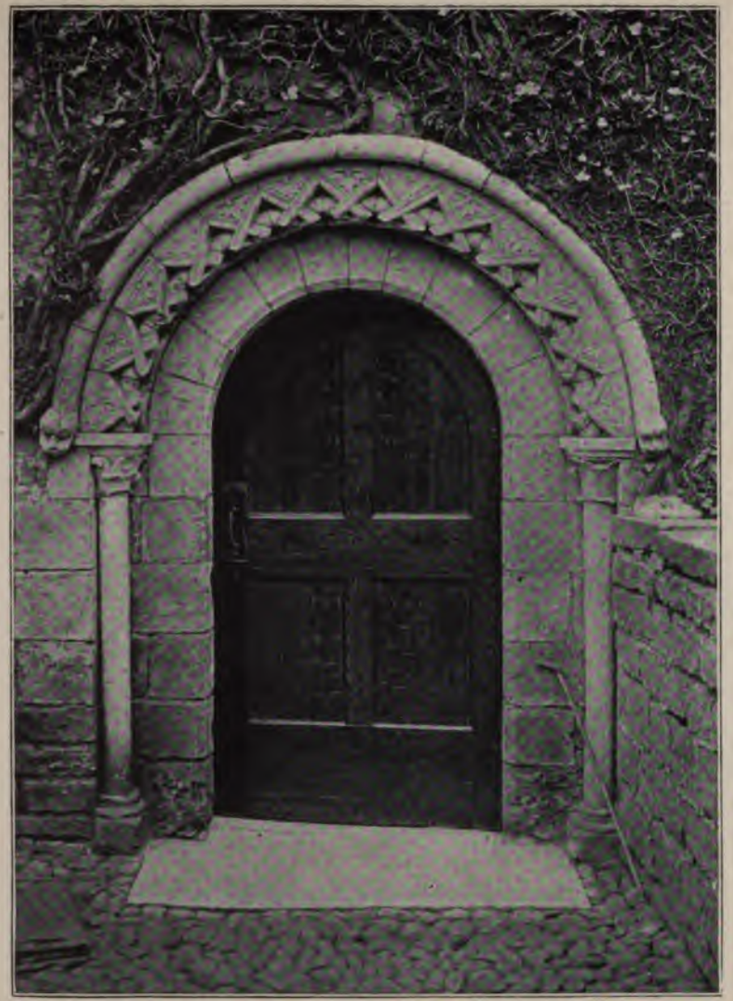
"M.S. Amplissimi desideratissimiq Ferdinandi dñi Fairfax baron de Cameron, qvem in Britannicae virtutis & fidei theatrv̄ ager Eboracensis edidit. Maiorvm splendore clarum curatorem pacis studiosissimum irarum (si quas peperit vicinia) sequestrv̄ aequi boniq tenacissimum. Quippe summa domi forisq auctoritate pariq apud omnes ordines gratia publicae quietis amans sed bello insuperabilis dextra gladium sinistra staterā tenens utrivsq lavdis tropaea retulit; Religionis cultor Literarum patronus Humanitatis repumicator. Nobilissimae prolis numero et pietate felix qua virum Maria Edmondi com. Mulgrav. filia novies beavit. Quid igitur novi? si (quos singularis amor tamdiv tamq multiplici pignore sociavit) mors ipsa non dirimat.

"Obiit anno { Aetatis suae 64. / Salutis humanae 1647."

See Appendix, No. 7.

[3] This place, like Brocket Hall, was part of the parish of Bolton Percy.





DOOR OF SINNINGTHWAITE PRIORY:
NOW PART OF A FARM-HOUSE (*see p.* 154).



TOMB OF FERDINANDO LORD FAIRFAX,
BOLTON PERCY CHURCH.

Osberne de Archis in William the Conqueror's time (in the *Book of Domesday*). Sir John Chaumont, Knight, was owner of the greatest part of the lands thereof in the 48th year of Edward III (1375), and had issue two daughters and heirs, Margaret married to William Mowbray, and Joan who was a nun. Yet, I find that in the 52nd year of Henry III (1268), Sir Richard Stiveton was owner thereof, and in the 37th year of Edward III the King granted free warren to Richard Stiveton in all his demesne lands of Stiveton and Skelthorp. In the 18th year of Edward the third, Sir John Depeden, Knight, estates 150 marks, per annum, upon William Mowbray, son and heir of Sir John Mowbray, Knight, and Margaret the daughter of the said Sir John Depeden, and the heirs begotten on the body of the said Margaret of the manors of Colton, Stevington, etc.

In the 7th year of Edward IV, Elizabeth, daughter of John Thwaytes, was married to Edward Brocket, with whom he had half of Steeton entailed upon him.

This Steeton is now the seat of William Fairfax, Esquire, the son and heir of Sir William Fairfax. It was heretofore the dwelling house of Sir Guy Fairfax, Knight,[1] one of the Judges of the King's Bench in the time of Edward IV and Henry VII, and it doth yet remain in a younger branch of his posterity.

(12) HORNINGTON. The manor of Hornington, according to Pat. 32 Edward I, m. 5, No. 38, belonged to Sir William Ryther, Knight, and he had free-warren[2] there by the grant of King Edward I. It was afterwards the land of Henry Topham, Esquire, a Reader of Gray's Inn,[3] and very famous in his time for wit and learning.

(13) OXTON, or HOXTON. The greater part hereof belonged to the Abbot and monks of Sawley.[4]

(14) PADDOCKTHORP. This belonged to Gilbert Umfraville, Earl of Angus.

[1] See p. 87.

[2] A place privileged by prescription, or grant of the King, for the keeping of beasts and fowls of the warren. Free-warren cannot be parcel of a manor, though it be held with the manor. This franchise is almost fallen into disregard since the new statutes for preserving game.

[3] Admitted, 1581; Ancient, 1598; Lent Reader, 1609.—Douthwait, *Gray's Inn*, p. 64.

[4] A Cistercian establishment founded about the middle of the 12th century by William de Percy, a short distance from Clitheroe. The last Abbot was hung at Lancaster for taking part in the rebellion, known as the Pilgrimage of Grace, in 1537. The ruins of this house, though meagre, are very interesting.

(15) WOLSINGTON, *alias* WOLSTON, *alias* OUSTON[1] *alias* WESTON. In the time of Edward III Sir Bernard Brocas, Knight, was owner of the manor of Wolsington, near Tadcaster. This I think he had by the marriage of the daughter and heir of Sir Mauger Vavasour, for Sir Mauger Vavasour was owner thereof by the grant of Robert Aiou, who by the deed of purchase held it by an annual rent to the King of twelve pence, called *Alba-Firma* or *Blanch-Farm*,[2] and to appear at the Wapontack, held at the Ainsty Cross.

In the extent of the lands of Mauger Vavasour, who married Agnes the daughter and heir of Walter Denton, it is found (Esch. 4 Edward I, No. 24) that he had the manor of Denton, and also that he had land at Wolsington, "which is worth by the year 5 marks, 7 shillings, and 4 pence", and he held it of Philip Kyme by the fourth part of a Knight's fee.

This Mauger Vavasour had issue, Agnes, who was his only daughter and heir, who was married to Sir Bernard Brocas,[3] but afterwards divorced (Close Rolls, 34 Edw. III, m. 31).[4]

This land of Ouston was afterwards given to the monks of Sawley, in 30 Henry II, by William Vavasour, which he saith by that deed, he bought of Malger his son, and Agnes his wife, the daughter of Walter de Denton. And he also granted unto them "to have all necessaries in his stone quarry of Heselwood for the health of the souls of himself, and his wife, and his illustrious King, Henry II, and his heirs, and of all his lords and advocates".

There are witnesses to this deed:—

Geoffrey, Abbot of Newminster; Nicholas, Dean of Tadcaster; Richard Vavasour; Walter Percy; William, the son of Robert Belasis; and many others.

The copy of this was shown unto me by Sir Walter Vavasour of Heselwood, Baronet, written in a little Coucher Book of his evidences.

(16) TADCASTER. That part of Tadcaster which stands upon the north side of the River of Wharf is within the bounds of the Ainsty. The other part, which is most of the town, where the Church stands, and where the castle was (there being nothing left but the round hill on which it stood), stands on the south side of this river.

[1] This vill is represented to-day by a farm in the township of Oxton, in the parish of Tadcaster.

[2] White-farm signifies a yearly rent or tribute rendered in silver, and not in cattle, etc. The term appears in Coke:—"Duplex tenura in com. Westmoreland, scilicet, una per *albam firmam* et alia per cornagium." 2 *Inst.* 10.

[3] See Froissart, *Chronicle* (ed. 1523), vol. ii, cap. CCXLII.

[4] I find an error in entering this item in the *Calendar* (manuscript) of the Cl. Rot., Edw. III.

I find amongst the Records in the Exchequer remaining with the Chamberlains, Tadcaster written several ways :—

In Richard I's time, Tadcastr ; in the time of Edward I, Tatecastr and Tattecastr ; in the time of Richard II, Tadcastre and Tadecastr; in the time of Henry IV, Tadcastre ; in the *Book of Domesday*, Tatecastre ; in the time of Henry V, Tadcastre and Tadcastr ; in the time of Henry VI, Tadcaster.

It is part of the possessions of the most noble Earl of Northumberland, of which his ancestor the Lord Percy was owner in the time of the first William, commonly called the Conqueror.

In the *Book of Domesday*, under the title " Eurvicscire", it is said thus[1] :—

"XIII TERRA WILLELMI DE PERCI

II
CD In Tatecastre . habuer̄ Dnstan ⁊ Turchil . VIII . carucatas tr̄ae ad gld . ubi poss̄ . ēē . IIII . car̄ . Nc̄ . hī Wills de pci . ibi . III . car̄ . ⁊ XIX . uill . ⁊ XI . bord . hn̄tes IIII . car̄ . ⁊ II . mold . X . sol . ⁊ I . piscar̄ . V . solidoꝝ . Ibi XVI . ac̄ p̄ti . Tot CD . V . q̄rent̄ lg̃ . ⁊ V . lat . T. R. E. ual . XL . sol . m̄ . C . sol."

Henry Lord Percy, by his deed, dated at York, 20th May, in the 28th year of Edward III did for the good affection his ancestry had borne to St. Peter, the Patron of the Church at York, and toward the Church itself, grant to the Archbishop, Dean and Chapter, Canons, Vicars, and other ministers of the Church, for them, and their servants, that they should pay nothing for their carriages as well near the causey,[2] as on the causey of Tadcaster, but should be free from all chyminage, pedage, custom, and payment.

[1] Fol. 321*b* (Ed. 1783—1816).

"II Manors. In Tadcaster Dunstan and Turchil had eight carucates of land to be taxed, where there may be four ploughs. William de Perci has now there three ploughs, and nineteen villains, and eleven bordars having four ploughs, and two mills of ten shillings, and one fishery of five shillings. There are sixteen acres of meadow. The whole manors five quarentens long and five broad. Value in King Edward's time forty shillings, now one hundred shillings."

[2] The appearance of a most interesting word. Causey is now written and pronounced *causeway*. Etymologically the old form is the correct one (F. *Chaussée*). The word is printed *causey* in Froissart's *Chronicle* (trans. by Berners), published in 1523; Lambarde's *Perambulation*, published 1596; the first edition of the authorised versions of the *English Bible*, published 1611, etc. The following excerpts are interesting and conclusive :—"This word by a false notion of its etymology has been lately written *causeway*".—JOHNSON. "Dryden and Pope write it causeway, and these authorities appear to have fixed its pronunciation."—WALKER. "*Causey* is etymologically correct, but the other form prevails."—SMART. "*Causey* is spoken *causeway* from a mistaken notion of its etymology."—NARES.

Dr. Eades, afterwards Dean of Worcester, a great admirer and lover of Toby Mathew,[1] a famous Archbishop of York, upon his removal from Christ Church, in Oxford, to Durham, intending to go but one day's journey with him, but being betrayed by the sweetness of his company, he not only brought him to Durham, but for their pleasant pennance wrote their journey in Latin verse.[2] Of Tadcaster he writ the following verses, which are better known than the occasion of Dr. Eade's journey:—

> "Nil Tadcaster habet musis vel carmine dignum
> Praeter magnifice structum sine flumine pontem."[3]

But in his return toward winter, he was convinced of the water as well as of the bridge.

> "Quae Tadcaster erat sine flumine pulvere plena,
> Nunc habet immensum fluvium, et pro pulvere lutum."[4]

But John Leland, in his *Cygnea Cantio*,[5] written also in Latin, calls Tadcaster "*vicum celeberrimum*",[6] wherein I doubt the swan was as much mistaken in his song of the town, as the itinerant poet was in the water.

Yet that I may do all the right I can to the town as also to the witty historian, John Leland, give me leave (and I hope the digression will be pardoned) to look a little into the grounds of his assertion. Peradventure it may be from the great plenty of lime stone near it. From this some think that this is the town which Antonine calls *Calcaria*, deriving it from *calx*, which is chalk or lime, as Mr. Camden

[1] Tobias Matthew was appointed Archbishop, April 18th, 1606. He was born in 1546, and died 1628. For particulars of the life of this remarkable man, see Camden, *Britannia;* Fuller, *Church History;* Godwin, *De Praesulibus Angliae;* Granger, *Biographical History;* Le Neve, *Lives of the Bishops since the Reformation;* Thoresby, *Vicaria Leodiensis;* Wilson, *History of the Merchant Taylors' School;* Wood, *Athenae Oxon.;* also the *Calendars of State Papers*, and the *Registers of the Univ. of Oxford* (Boase and Clark). His portrait is at Christ Church, Oxford.

[2] Sir John Harrington in his *Supplement of Bishops*.—T. W. Sir Thomas quotes no page, but, doubtless, refers to p. 197. Harrington says Dr. Eades gave him a copy of the verses. For a description of this *Supplement* see p. 145, note 2 in the present volume.

[3] "The Muse in Tadcaster can find no theme
But a most noble bridge without a stream."

[4] "The verse before on Tadcaster was just,
But now great floods we see, and dirt for dust."

[5] John Leland, *Com. in Cyg. Cant.*, fol. 15.—T. W.

[6] "A most famous hamlet" (Accus. case).

observes.[1] And Bede calls it Calacester. The Romans called the burners of lime *Calcarienses.* Or the fame of this place might arise from what Bede notes that the first woman, who in this tract of the country put on the religious habit of a nun, retired herself to this place. Give me leave to add that which hath for many years made it the more memorable which is the greatness of the owners, the Lords Percy, who have been owners of it ever since the beginning of William the First, and who, since the first year of Henry II, have been Earls of Northumberland.

Whatever the grounds be, I am willing to subscribe to learned John Leland that it is *vicus celeberrimus*, adding that as one part of it now stands united to York, it is the very outpost and gate of the city of York.

But I am on the south side of the river of Wharf and without my bounds. I now retreat, and as I am going over the bridge it puts me in mind of a suit which was, in the 23rd year of King Edward III, against the collectors of the pontage at Tadcaster, for not expending the moneys thus raised upon the repairs of the bridge. (Placita coram Domino Rege apud Eborum de Termino Hilarii A° regni Regis Edwardi post Conquestum 23, remaining with the Chamberlains of the Exchequer.)

(17) HELAGH PRIORY. Leland says that "from Tadcaster to Helagh Priory is about 2 miles by inclosed ground. One Geoffrey Haget,[2] a nobleman, was first founder of it.[3] In this Priory were buried some of the Depedales and Stapletons, gentlemen, of whom one, Sir Brian Stapleton, a valiant knight, is much spoken of. Geoffrey Haget was owner of the Helagh lordship, and, besides, a great owner in the Ainsty." "From Helagh Priory", says the same Leland, "scant a mile to Helagh village" he saw "great ruins of an ancient manor place of stone, that belonged, with the fair wooded park thereby, to the Earl of Northumberland." He says it was, as far as he could perceive, some time the Haget's land. Thus far John Leland. Stephen de Waleys, and Alice la Vavasour, "parceners of the manor of *Helaw*, within their park of *Helaw*, which is closed and hath three gates, claim[4] these liberties.

"1. That they may shut these gates, and have a porter at each

[1] Camden, *Britannia*, p. 69.—T. W.

[2] Ex *Itinerario Johannis Lelandi*, etc., fol. 48.—T. W.

[3] This is an error. Vide *Mon. Ang.*, vol. ii, p. 287. The founder was Bertram Haget. Sir Thomas names Bertram Haget later.

[4] Inter clamia in Com. Eborum per manum Willielmi de Barneby generalis Attornati Regis liberata.—T. W.

gate, and keep them shut every night until the morning, and that no Bailiff of the King shall enter within those gates to make any summons, attachment, or distress, or to do anything there, but in the presence of the Bailiffs of the said Stephen and Alice.

"2. If any malefactor shall do any trespass within the said park, so that hue and cry is levied, Stephen and Alice and their men are not bound to follow it further than the gates of the park: And that no thief, or the head of a thief, shall go or be carried further than to the gate of the park, but shall be returned by the King's street.

"3.—They claim free warren."

This priory of Helagh Park I have read was founded by Bertram Haget and Geoffrey Haget his son, and confirmed by Walter then Archbishop of York. This Helagh is a seat of Philip Lord Wharton, and hath been a seat of his ancestors, as I have heard, almost ever since the dissolution of the monasteries.

(18) BILBROUGH or BILBROUGH-UPON-THE-HILL stands upon the greatest rising of ground, or hill, in this whole tract of ground.

The hill is very inconsiderable, yet a small plump of trees, standing upon it, appear as soon to the view as any part of Yorkshire, and may be seen at 40 miles distance.

It was the birthplace of the noble Sir Thomas Fairfax, Knight, the first Lord Fairfax of the family of Denton,[1] whose name I cannot mention without due reverence and honour.

The house was afterwards pulled down, upon an unhappy contention between two brothers of that family, and which indeed was begun before his birth. That contention was afterwards happily reconciled, but the house is not re-edified. *Diruit, aedificat*,[2]—run smoothly one after the other, in the poet's verse, but the latter is a work more difficult than the former.

(19) WIGHILL, *alias* WIKELL, *alias* WICHALE. Wighill was anciently the lands of Geoffrey Haget, who had four sisters, and one of them, viz., Lucia, was married to Peter Turet, with whom he had Wighill and Esedyke.

Nicholas Stapleton was owner of it in the 17th year of Edward III, and had issue Sir Miles Stapleton.[3]

It appears by the Fines of 49 and 50 Edward III that Sir Bryan Stapleton and Alice his wife were owners of it.

[1] Father of Lord Ferdinando Fairfax, the Parliamentary General.

[2] "He destroys, he builds."

[3] Made Knight of the Garter at the first institution of the Order.

It had formerly been the lands of Sir John Blaminynster, Knight.[1]

Wighill is now the seat of Sir Miles Stapleton, Knight, of the worthy family of Stapleton.

There have been many worthy knights of this family. I have heard that two of them have been Knights of the Garter, the last Sir Robert Stapleton, who lived in the beginning of King James' time, and not inferior, as I have heard, to any of his ancestors. I will only tell you what Sir John Harrington writes in his book to Prince Henry[2] of him. His words are these:—"Sir Robert Stapleton, a Knight of Yorkshire, whom Your Highness hath often seen, was a man well spoken, properly versed in languages, a comely and goodly personage, and hath scant an equal, and except Sir Philip Sydney no superior in England."[3]

(20) THORP ARCH. This was anciently the land of Archis or Arcis,[4] and afterwards part of the lands of John Depeden.

In the Rolls of Fines, 7 Edward III, it appears that Thomas Fairfax had £5 rent in Thorp-Arch. And this appears also by a deed made by Richard Fairfax, Esq., owner of Walton in the 8th year of King Henry VI, whereby he settles Walton, and this Thorp

[1] Anno 9 Edward II, Rand. de Bleminstre was Lord of Wychale, Esdyke and Hamlake.

[2] Harington was entrusted by James I with some part in the education of Prince Henry. "By way of instructing the young Prince in his future duties, and counteracting the influence of the Puritans on his mind, Harington recommended to him the work of Bishop Godwin, *De Praesulibus Angliae*, which had been published in 1601; and, to make it more interesting, he appended to it some remarks of his own upon the characters of the Elizabethan bishops. This document is full of gossip, and contains many good stories, and much shrewd observation. It was written for the private use of the Prince, but was published by a grandson of Harington, John Chetwind, in the interests of the Puritans in 1653."—*Dict. Nat. Biog.*

The full title of this book (which has been quoted on p. 110, and p. 142), is this:—

"A brief view of the state of the Church of England, as it stood in Queen Elizabeth's and King James his reigne, to the yeere 1608. Being a character and history of the Bishops of those times. And may serve as an Additional Supply, to Doctor Goodwin's *Catalogue of Bishops*.

"Written for the private use of Prince Henry, upon the occasion of that proverb—

"Henry the eighth pull'd down Monks and their Cells.
"Henry the ninth should pull down Bishops and their Bells."

(Pub. 1653.)

[3] *A Brief Review*, p. 174.

[4] A family that came in with the Conqueror, and held much land in these parts.

Arch, and all his other lands upon himself, his brothers, and uncles by name.

There was a Park there, but by the following verses, made by some who came from York to hunt in it, it appears there was no great store of game :—

> " Hinc parvum saltum petimus, Thorpe nomine dicunt.
> Longum iter, et frustra factum, nam fallimus illic
> Spemque diemque simul, rara est aut nulla voluptas,
> Non puto tam damis quam dumis esse repletum."[1]

The Sacrist of the Chapel of St. Mary and of the Holy Angels,[2] in York, did present to the vicarage of Thorp-Arch, in the 4th year of Melton, Archbishop of York.

Walton was a member of Thorp-Arch.

There were five knights' fees belonging to the manor of Thorp Arch, which John Belew held in right of Laderana his wife (Escheat. 7 Edw. I, No. 32).

This Thorp-Arch is sometimes called Ivetthorp, and so called, as I have heard, from Ivetta, the mother of the first Peter Brus, who gave some lands in this place to the nuns of Monkton, with the wood as it is inclosed between the aforesaid Thorp and the town of *Werby*—now called Wetherby.

Upon a controversy between the Prior of St. Oswold at Nostell, and the nobleman Peter Brus, for the 20th part of his bread or corn of his manor of Thorp, it was compounded thus by Henry, Dean of York, and Jo. Roman Canon of York, by virtue of a precept, dated at Sawley, the 3rd year of King John, made unto them by Pandulph, Bishop-elect of Norwich, Chamberlain of the Pope, and Legate of the See Apostolique, upon a complaint made to him by the said Prior, that Peter Brus should grant ten skeps of corn, viz., three skeps of wheat, three of oats, and four of mastyn and barley, for the maintenance of one canon at Scokirk, for ever, to be received out of Thorp de Arches; And the Prior was for ever to find a canon priest to say Divine service; And means are there prescribed how the one party and the other should be perpetually tied to performance. This was done by an instrument, to which were affixed the seal of the Dean

[1] " Hence we take our way to a small forest called Thorp—a long journey and to no purpose. For there, both our hope and our day are lost. We have little or no pleasure. It is fuller of bushes than bucks." (Drake.)

[2] A Chapel in York Minster. That the Sacrist of this Chapel was Patron of this living is explained by Torre. He says (339) that the Church of Thorp-Arch was given by Adam de Brus, and Ivetta de Archis his wife, to the Chapel of St. Mary and Holy Angels then founded by Archbishop Roger.

and Chapter of York, the seal of the above said Judges, and of the Prior and Convent, and of Peter Brus.

Through this tract of ground, as J. Leland observes, in Henry VIII's time, goeth Watling Street, that leadeth to Carlisle. It crosseth over the wharf at a place called St. Helen's Ford, one mile and a half above Tadcaster. On the other bank was St. Helen's Chapel. I am informed that there are no remains of that Chapel at this day, but there is a spring there called St. Helen's Well, to which there is some resort of people as to a holy place.

(21) WALTON *alias* EAST WALTON.

It was held of the manor of Wakefield.

Walton hath been the seat of the family of Fairfax for a long time.

William Fairfax[1] of Walton. Peter de Brus granted to William Fairfax, and his heirs, nine oxgangs of land, and one acre and three perches of land with tofts and crofts, in Walton of the Fee of Mowbray, and four tofts and four crofts in the same town. This deed is without date. Henry de Sexdecim Vallibus,[2] and thirty-six others are witnesses.

Thomas Fairfax, son of *William;* m. *Anne*, daughter and heir of *Henry de Sexdecim Vallibus*, or *Sezevaux*. Peter de Brus, nephew and heir of William, sometime Baron of Lancaster, granted and confirmed to Thomas Fairfax, all the land in Walton, with the wood, etc., which the father of Peter de Brus gave to William Fairfax, father of the said Thomas. This deed also is without date.

William Fairfax, son and heir of *Thomas*. Anne, daughter and heir of Henry de Sexdecim Vallibus (commonly Sezevaux), after the death of Thomas Fairfax, her husband, married John de Camera. In her second widowhood, 12th year of Edward I, she released to William Fairfax her son, all her right in four marks and a half of yearly rent in York, which he "hath of the gift of the foresaid John and Anne in the Ides of April 1282, 10 Edward I, which descended to me, Anne, of the inheritance of Henry Sezevaux, my father".

This deed is dated at York, on St. Andrew the Apostle's Day, in the 12th year of King Edward I.[3]

John, the son of *William*.

Thomas, son of *John*.

[1] *Vide* Thoresby, *Ducatus Leodiensis*, p. 67; Nichols, *Herald and Genealogist*, vol. vi, p. 385 (based on *Analecta Fairfaxiana*); *Ibid.*, vol. vii, p. 145 (corrections by Skaife).

[2] He was Mayor of York *temp.* Henry III, and the son of William Fairfax married his daughter. See the note on Thomas Fairfax.

[3] See p. 81.

William, son of *Thomas.*

Thomas, son of *William;* m. *Elizabeth Etton.* By this marriage Fairfax, though long after, came into the possession of Gilling Castle, in Rydale, which is yet enjoyed by the family.

Thomas Fairfax (see below), in the 7th year of Henry VII, exhibited a Petition of Right to the King in Parliament, for the manor of Gilling with the appurtenances thereof, in the County of York, and for three tofts and three oxgangs of land in Everton in the same county. Whereupon the King issued out a commission under the Great Seal to Edmund Thwaytes, Robert Constable, and some other gentlemen, to enquire of the right of the petition by the oaths of Sir William Mallory, Knight, Sir John Waterton, Knight, Thomas Crathorne, Richard Aclum, James Rosse, Robert Lassells, Robert Stokes, Richard Gower, Sneth Snawfell, John Inglethorp, Robert Gower, and John Lanering, Esquires, who said upon their oath that Robert Foxley and others, being seised in fee of the said Manor and premises, did by deed let the same to Thomas Etton and Elizabeth his wife, for the term of their lives, and that after their death the same should remain to Thomas Etton, the son of the said Thomas and Elizabeth, and to the heirs male of his body; and for want of such heirs male then to remain to the heirs, males or females, of the body of the said Thomas, the father; and if they die without such heirs, then the same to remain to Thomas Fairfax and Elizabeth his wife for the term of their lives, and after their decease to remain to William, son of the said Thomas Fairfax, and of Elizabeth his wife. They find a seisin accordingly.

The father and mother died seised; And Thomas Etton the son became seised entail, and died seised, and the same descended to Alexander Etton, as cosen and heir of Thomas the son, to wit, as to the son of John the son of the said Thomas; And he being seised, infeoffed[1] Sir Tho. Nevill, Knight. By his death the same descended to Humphrey Nevill his son who was seised until he was attained of treason, by Act of Parliament, in the 1st year of King Edward IV, and all his possessions thereby given to the King, saving the rights of other persons. It was found by Office before the Escheator that he was seised in fee of this manor and premises at the time of treason, and attainder, and that from that time, one Sir Edward Hastings,

[1] Feoffment is from the Gothic word *feudum*. It signifies, in our common law, any gift, or grant of any honours, castles, manors, messuages, lands, or other corporeal and other immovable things, of like nature, unto another in fee-simple, that is, to him and his heirs for ever, by the delivery of seisin, and the possession of the thing given, whether the gift be made by deed or writing.

Knight, had taken the profits till the first year of Henry VII, and that since that time, one Sir Charles Somerset, Knight, had taken the profits, but by what right they know not; And that by that Act of Parliament, the same manor and premises came to the King, and yet is in his hands. But the right remained, by virtue of the gift aforesaid, to Thomas Fairfax, the petitioner, as cosen and heir male of the aforesaid William, son of the aforesaid Thomas and Elizabeth his wife, to wit, son of William, son of Richard, son of Thomas, son of the said William, son of the said Thomas and Elizabeth.[1] And that the said Thomas and Elizabeth Etton his wife are dead, without sons or daughters begotten by the body of the said Thomas; And there is not any son or heir male of any son, nor any daughter of the said Thomas Etton now alive; And that Thomas their son is dead without heir male of his body, and that Thomas Fairfax and Elizabeth his wife are dead. The manor of Gilling is still in possession of Charles Fairfax, Lord Viscount Emelay, the heir male of this family.

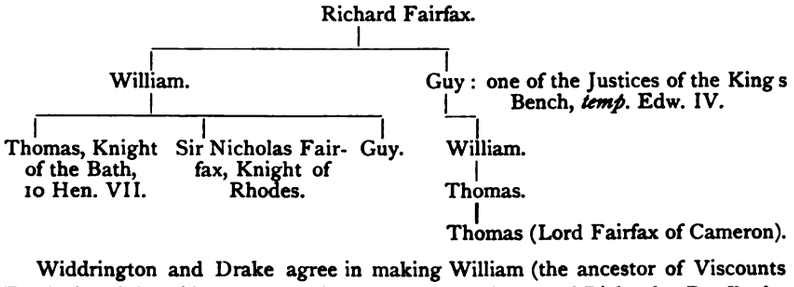
William, son of *Thomas;* m. *Constance*, daughter of *Peter Mauley* or *de Mala*, the seventh Baron of that name.

Thomas, the son of *William.*

Richard, son of *Thomas.*[2]

[1] Six descents in the right line of Fairfax are here proved:—Thomas Fairfax *m.* Elizabeth Etton; William, son of Thomas, *m.* Constance Mauley; Thomas, son of William; Richard, son of Thomas; William, son of Richard; Thomas, the petitioner, son of William.—T. W.

[2] Widdrington now states that Richard had three sons (p. 150). Drake's arrangement of the pedigree at this point is thus:—



Widdrington and Drake agree in making William (the ancestor of Viscounts Emelay) and Guy (the ancestor of Barons Cameron) sons of Richard. But Drake makes Sir Nicholas the son of William and the nephew of this said Guy, and not their brother. In this Drake is incorrect.

Drake is certainly wrong again in making the first Baron Fairfax of Cameron to be descended from Guy Fairfax in the third, instead of the fourth, degree. He omits William the son of William, concerning whose marriage there is one of the most romantic traditions in the whole extent of Yorkshire family life. See p. 147, note 1.

1.

William, son of *Richard.*

Thomas, son of *William*, Plaintiff (in the above case). Afterwards Knight of the Bath, 10 Henry VII.

2.

Guy Fairfax, Knt., Justice of the King's Bench, in the several times of 4 Kings, viz., Edward IV, Edward V, Richard III, Henry VII.[1]

William Fairfax, Justice of the Common Bench in the time of Henry VIII.[2]

William Fairfax, Knight.

Thomas Fairfax, of Denton, Knight.

Thomas Fairfax, Knight, (and afterwards) Lord Fairfax.[3]

3.

Sir Nicholas Fairfax, Knight of Rhodes.

A special ornament of this family was Sir Nicholas Fairfax of Bullingbrook! He served the Venetians, and in their war against the Turks, and by several recommendations from them was made Knight of Rhodes, which isle he twice relieved, being sent out for provisions in the time of the siege, which Solyman the Magnificent had laid against it, (it being afterwards taken by him). There, I suppose, Sir Nicholas died in the defence thereof.

There are divers French authors in print who give an honorable testimony of this Sir Nicholas. Iacomo Bosio, in his Italian history of St. John of Jerusalem,[4] says that Sir

[1] See also p. 86. He was the third son of *Richard*, and *Nicholas* the fifth.

[2] See p. 88.

[3] Created Baron Fairfax of Cameron in 1627. He was the father of Ferdinando Lord Fairfax, the distinguished Parliamentary General.

[4] Bosio (Giacomo), *Dell' Istoria della sacra religione et ill.ma militia di San Giovanni Gierosolimitano*, pub. in three parts, 1594-1602.

The following is a translation of the whole sentence: "Then the Grand Master, seeing the perilous extremity in which the city of Rhodes found itself, sent, in the night following the aforesaid day, the knight Friar Nicholas Fairfax, an Englishman, very clever and prudent, with a brigantine to Candia, to see whether he could secretly enlist, and bring back to Rhodes, any number of soldiers to succour and defend that city; and also to arrange that a barque and a galleon freighted with provisions and ammunition, which some days before had been retained by the Duke of Candia, should, by the aid of that regiment, proceed to Rhodes."

Nicholas Fairfax was sent out of Rhodes, when it was in great distress, to Candia for relieving men and provisions, which he so well performed that the town held out for some time longer. He gives him also this character in his own language, " . . . Caualiero Fra Nicholo Farfan Inglese, Huomo multo spiritoso, e prudente."[1]

Thomas, the son of *Thomas*. He died in the 12th year of Henry VIII.

Nicholas Fairfax. Thrice he was High Sheriff. Died in the 13th year of Queen Elizabeth.

William Fairfax. He was High Sheriff, in the 20th year of Queen Elizabeth.

Thomas, Viscount Emelay.[2] He was Sheriff in the 3rd year of Charles I, and died in 1636.

Thomas, Viscount Emelay. Died in 1641.

William, Viscount Emelay. Died in 1648.

Charles, Viscount Emelay.[3] He is the present Viscount.

1. William Fairfax died before his father.[4]
2. The Viscount died 1651.[4]

(22) ESEDYKE.[5] Here were four sisters of Sir Geoffrey Haget and one of them, viz., Luce, was married to the father of Bartholomew, Turet, with whom he had Wighill and Esedyke.

(23) WIVELLSTHORP.[6] This was anciently the lands of de Wivelsthorpe in the time of King John, but in the time of Edward I, I find, according to Esch. 34 Edward I, No. 12, that Robert Pontefract was owner of this manor. From the Close Rolls, 40 Henry III, m. 15, *in dorso*, it appears that the King gave respite to Robert Wivelsthorp not to be made a Knight from Easter, next to come, till a year; and

[1] *Parte Secunda*, fol. 578.

[2] The title was Viscount Fairfax, of Emelay, co. Tipperary. He was so created in 1629.

[3] He was the second son of Thomas, the second Viscount. The title became extinct in 1772.

[4] These remarks refer to the sons of William. He had two sons, Thomas (the fourth Viscount) and William. William died shortly before his father, and the infant Viscount shortly after. These facts explain the *accession* of Charles, their uncle.

[5] Part of Wighill, and should appear under that heading.

[6] This township is in the parish of Kirk Hammerton, and was for many centuries the seat of the family *Wiuelstrop*. The *MS.* which forms the text of the greater portion of *Kirkby's Inquest* formerly belonged to a distinguished member of this family—Sir Miles Wilstrop, the King's Escheator in Yorkshire, 1470-1.—Vide *Kirkby's Inq.*, p. 27, note *k*.

it was commanded to the Sheriff that he should not distrain him in the interim.

This Wilstrop was lately the seat of Sir Oswold Wilstrop, which was an ancient family in this part.

(24) BILTON. This was heretofore the land of the Waleys.

I find in the 7th year of Edward I, in the Roll *Quo Warranto*, Rot. 26, *in dorso*, that John Vavasour did hold, in the name of Alice his wife, together with one Stephen Waleys his partner, the manors of Helagh, Thorpe, and Bilton, in which they claimed to have free-warren.[1] This Bilton came afterwards to Snawfell by the marriage, as I have heard, of Alice, the daughter and heir of William Davill,[2] Lord of Bilton. And Hugh Snawfell is now owner thereof.

(25) HOLTON, *alias* HUTTON, *alias* HUTTON WANDSLEY. In the 35th year of his reign King Edward I did grant to Wandsley, for his good service done in Scotland, a market at his manor of Wandsley in the County of York on Wednesday, and a fair there for three days in the year.

This Hutton Wandsley was formerly the lands of Ingleby.

(26) MARSTON. This was amongst the Knights' fees of John Belew in the 29th year of Edward I.

Much of this land was given to the Abbey of Fountains in the time of Edward II.

This Long Marston is now the seat of the Thwaytes. It was some time the lands of William Ingleby.[3]

(27) ASKHAM BRYAN. Askham Bryan, Colton, Hessay, Stevington, Nun-Appleton, were part of the possessions of Sir John Depeden, who gave them in marriage with his daughter Margaret, to William Mowbray, the son and heir of Sir John Mowbray.

Askham Bryan came afterwards to Sir Miles Stapleton, by the marriage of the daughter and heir of Mowbray.

John Geldart, Esq., one of the Aldermen of the city of York, hath lately built a fine house there.[4]

(28) ASKHAM RICHARD. The nuns of Monkton had, by the Bull of Pope Celestine, the vicarage of Askham Richard.

(29) RUFFORD.[5] Geoffrey Roughford was owner. Afterwards it

[1] Inter clamia in Com. Eborum liberata per manum Willielmi de Barneby generalis Attornati Regis No. 21 Edw. I.—T. W.

[2] ? Daniell or Danyel.

[3] Thus this and the former place were spoken of as Marston-*cum*-Hoton-Wandesley.

[4] He was Lord of the Manor in the time of Charles I.

[5] Now known as *Rufforth*.

came to Geoffrey Burgchier, by the marriage of the daughter and heir of Fulk Roughford. Alan Breton was owner thereof in the time of Edward I, and he had, by grant of the King, free-warren in all his demesnes there. Much of it was afterwards given to St. Leonard Hospital in York.

In a book of abbreviation of pleas from the 1st year to the 7th year of Edward II, by Mr. Scipio Squire, remaining in the Treasury, it appears that, in the time of this King, Nicholas Stapleton, son of Miles Stapleton, sued John Maleverer that he should restore unto him William Bugthorp to his custody, who holds of him four carucates of land in Useburn, by homage fealty, and suit of court at Alnerton Maleverer. Nicholas said that the aforesaid William, the father, held of him the manor of Rufford by half a knight's fee, and suit of court of the said Nicholas at Thorparches from three weeks to three weeks. The plaintiff replied that William, the father, was purchaser as well of the tenancy in Useburn, as of the tenancy of Rufford and Tockwith from Alan Breton, and William had, for a long time, purchased the tenements in Useburn of the same Alan, and held them of the same John before by inquisition.

(30) KNAPTON. This was the land of Alan Breton, in the 10th year of Edward I, and afterwards of Sir John Mowbray of Kirklington, Knight.[1]

(31) SCAKELTHORP.[2] Thomas Ughtred was owner hereof, and in the 8th year of Edward III had licence from the King to empark his woods of Kexby, Monkton-upon-the-Moor, and Scakelthorp.

In the *Book of Domesday*, in Scakelthorp, and the two Poppletons (are) "six carucates of land and a half, of the land of Erenum Catenas, which Osborn de Archis holds". It is so witnessed, to the use of William Mallet.

[1] Drake has an interesting note here, of which the following is a digest.

In the list of the lords of the Ainsty, taken the 9th of Edward II, *Episcopus Cestrien.* is put down as owner of this manor. This is surprising, as it is well known that the bishoprick of Chester was founded long after by Henry VIII.

The explanation is that the bishops of Lichfield and Coventry were anciently styled *Episcopi Cestrienses.*

This manor, however, did not belong to that see, but was the private property of Walton de Langton, then Bishop, who belonged to an old York family.

This appears in the Rolls of the Pipe, 16 Edw. II :—

"Thomas de Burgh, Escheator *dom. regis ultra Trentam r. c. de exit. manerii de* Knapton, *quod fuit* Walteri de Langeton, *nuper* Covent. *et* Lichfield *epis. et quod tenuit de* Galfrid. Lutterel *servicio unius militis.*"

[2] Scaggelthorpe, or Skekelthorp, is now depopulated. The site lies in the township of Moor Monkton near the road leading to Poppleton.

(32) SINYNTHWAIT. Here, at Sinynthwait, was a house of nuns dedicated to St. Mary, founded, as I have heard, by Peter Brus, and to which also Alice Haget, sometime wife of Jordan de St. Maria, was a good benefactor.[1] All which were confirmed in the time of Henry III by the King (Ch. Rolls, 39 Henry III).

These nuns made the country people anciently believe that they had there the arm of St. Margaret, and the coat of St. Bernard, which help women in labour, as was believed.

(33) SKUEKIRK,[2] or rather, SCOKIRK, was a cell to the Prior and Convent of St. Oswald at Nostell. King Richard II granted to the Prior and Convent free-warren in all their demesne lands there. It is now the seat of Sir Thomas Harrison, Knight.

(34) TOCKWITH *alias* TODWICK. This was part of the possessions of Robert Trusbut, which was divided between his three sisters, Rose Ros, Hilaria of Builers,[3] and Agatha Manifolin (Cl. Rolls, 20 Edw. I).[4]

It was sometime the land of Brian Davill of Bilton, Esquire.

The Prior of Sinynthwait had divers lands here.

There was a Chapel in the wood at Tockwith, and some lands, which Ebrardus gave to the Church of All Saints, at Scokirk.

(35) REDHOUSE. This hath been of late a seat of the Slyngesbyes, Sir Henry Slyngesby (elder) having built a fair house here. But Scriven, near Knaresborough, is a much more ancient seat of this family, for William de Slyngesby, their ancestor, married the daughter and heir of Thomas de Scriven, by which marriage he had Scriven, and many other good possessions. He had also the office of Forester of the Forests and Parks of Knaresborough, in which family of Scriven that office had anciently been, as appears by an inquisition which I have seen, taken at Knaresborough, in the 2nd year of King Edward, son of Edward.

Slyngesby, by this marriage, became heir also to Thomas de Walkingham, whose daughter and heir Scriven had formerly married.

[1] The account given in Dugdale, *Mon. Ang.*, differs from this. There we are told that this nunnery, which was of the Cistercian Order, was founded by Bertram Haget who gave the site of the building, his act being confirmed by Roger de Mowbray his lord.

Geoffrey de Ludham, Archbishop of York, took these nuns under his protection about the year 1200, denouncing a malediction against those who should injure them, and a benediction upon their benefactors.

King Henry II confirmed the founder's donation.

[2] Skewkirk.

[3] *Sic*, for Budlers.

[4] Mem. 12: The first husband of Agatha is apparently referred to here. *Vide* Dugdale, *Baronage* (pub. 1675), Tom. i, fol. 542.

One of the ancestors of Slingesby did also marry a daughter and heir of William de Nesfield, by whom he had an accession also of the manors of Scotton, Brereton, and Thorpe, touching which I find a controversy between John, King of Castile, and Duke of Lancaster, commonly called John of Gaunt, on the one part; and William de Gargrave and Hykedon de Slyngesby, who had married the two daughters and heirs of the said William de Nesfield, on the other part. The Duke claimed by purchase from Nesfield, and the two heirs claimed by an entail. This controversy is mentioned in an indenture written in French dated the XXVIth of July, A.D. 1387, a copy of which was showed unto me by Henry Slyngesby of Rippax, Esquire, the son and heir of Sir William, who was a younger son of the family of Slyngesby. The controversy is, by that indenture, referred to twelve of the best knights and esquires of the County of York, near Scotton. Mr. Slyngesby did also favour me with view of a deed, without date, touching lands in Scotton by which it appears that some lands, in Scotton, were mortgaged to a Jew for debt, to which there is a label affixed in Hebrew, without pricks, in the nature of a release. As Mr. Slyngesby informed me, it was translated into Latin by the mirror of antiquaries, John Selden, Esq.; and it is thus in Latin :—

"Ego infrascriptus confiteor confessione plena seu perfecta quod praedium quod est Alexandrae de Zechowsia in villa de Scottona illum scilicet praedium liberum esse ab omnibus debitis litibusque a creatione mundi usque ad finem ejusdem quantum nempe attinet ad debitum aliquod propter quod erit obnoxium aut incurrerit mihi qui sic confiteor, et quod dixi signavi.

"ISAACK BEN CHEREB."[1]

The Redhouse is now the seat of Sir Thomas Slyngesby, Baronet.

(36) POPPLETON. There was a mayor of York killed at Poppleton in the time of Richard II. I cannot assign the occasion, but conjecture that it might be in reference to some controversy between the city and the Abbot of York,[2] to whom Poppleton belonged.

[1] "I the underwritten confess with full or perfect confession that the estate which belongs to Alexandra de Zechowsia in the vill of Scotton, that that estate, to wit, is free from all debts and lawsuits from the creation of the world until the end of the same, so far namely as regards any debt for which it may be liable, or which it may incur, to me who thus confess; and what I have said, I have signed.

"ISAAC BEN CHEREB."

[2] The Poppletons were given to the Abbot of St. Mary by Osbern de Archis. See Appendix, No. 8.

And I am the rather inclined to think thus in regard that mention is made of this amongst the Records of the Tower *in Rotulo Romano.*

Poppleton is now the seat of Thomas Hutton, Esq.[1]

(37) ACOMB. Acomb is the seat of Thomas Newark, Esq.[2]

(38) CATHERTON, *alias* KATHERTON, *alias* KADERTON. Thomas Fairfax of Walton was owner of lands in Catherton in the 19th year of Richard II, and made an entail thereof with other lands.

It was formerly the land of William Catherton, which he held of William Kyme, Lord of Newton Kyme, in the 44th year of Henry III.

According to the *Register of Furness*, in the Office of the Duchy of Lancaster, Sir Alan Catherton gave some part of it to the Monastery of Furness, in the year 1256, the 40th year of Henry III.

(39) HAGENBY.[3] This was anciently the lands of Hugh Lelay, and he gave the same to the Prior of the Monastery of Helagh Park.

(40) BICKERTON. This was formerly (16 Edward I) the land of Alan Walkingham of Bickerton, which he held over of Sir Rowland Quakin, Knight (Mich. 16 Edw. I, Rot. 42).

It was afterwards the lands of Walkingham, and he had free-warren there (Tr. 31 Edw. I, Rot. 21).

Andrew de Gramare (4 Edw. II) had also lands there, and also the manor of Calthorp, which was afterward the land of Richard Brough, Esquire.

Thomas Brough, Esq., son and heir of Thomas Brough, brother of John Brough, late of Calthorpe, Esquire, ratified the estate and possession of Bryan Roucliff, one of the Barons of the Exchequer, son of Joan, wife of Guy Roucliff, sister of the aforesaid John Brough in

[1] A descendant of Archbishop Hutton, through whom it came from the Church to the Hutton family. See p. 110.

[2] Acomb, or Akeham, or, earlier still, Ascham, was anciently part of the possessions of the Cathedral Church of York. In *Domesday Book*, the Church of St. Peter, at York, has Acho as a manor. The Vicarage of Acomb was surrendered to the Crown in 1547.

By James I, in 1609, it was granted to Thomas Newark.

[3] This place appears in *Domesday Book* as *Haghendebi.* Some have held that it is the same as Angram, in the parish of Long Marston. Mr. Skaif, by extracts from the *Chartulary of Healaugh Priory*, proves this to be incorrect. Hagenby was within the present township of Tadcaster East.—Vide *Kirkby's Inquest*, note on Hagenby.

the manor of Calthorpe, with the advowson of the Church there, and lands in Bickerton.

I have not held an even course in my journey in the Ainsty as to the situation of the towns and places. I desire pardon for my aberrations having fallen so often out of the way. I am now returning to York.

CHAPTER XI.

The Churches.

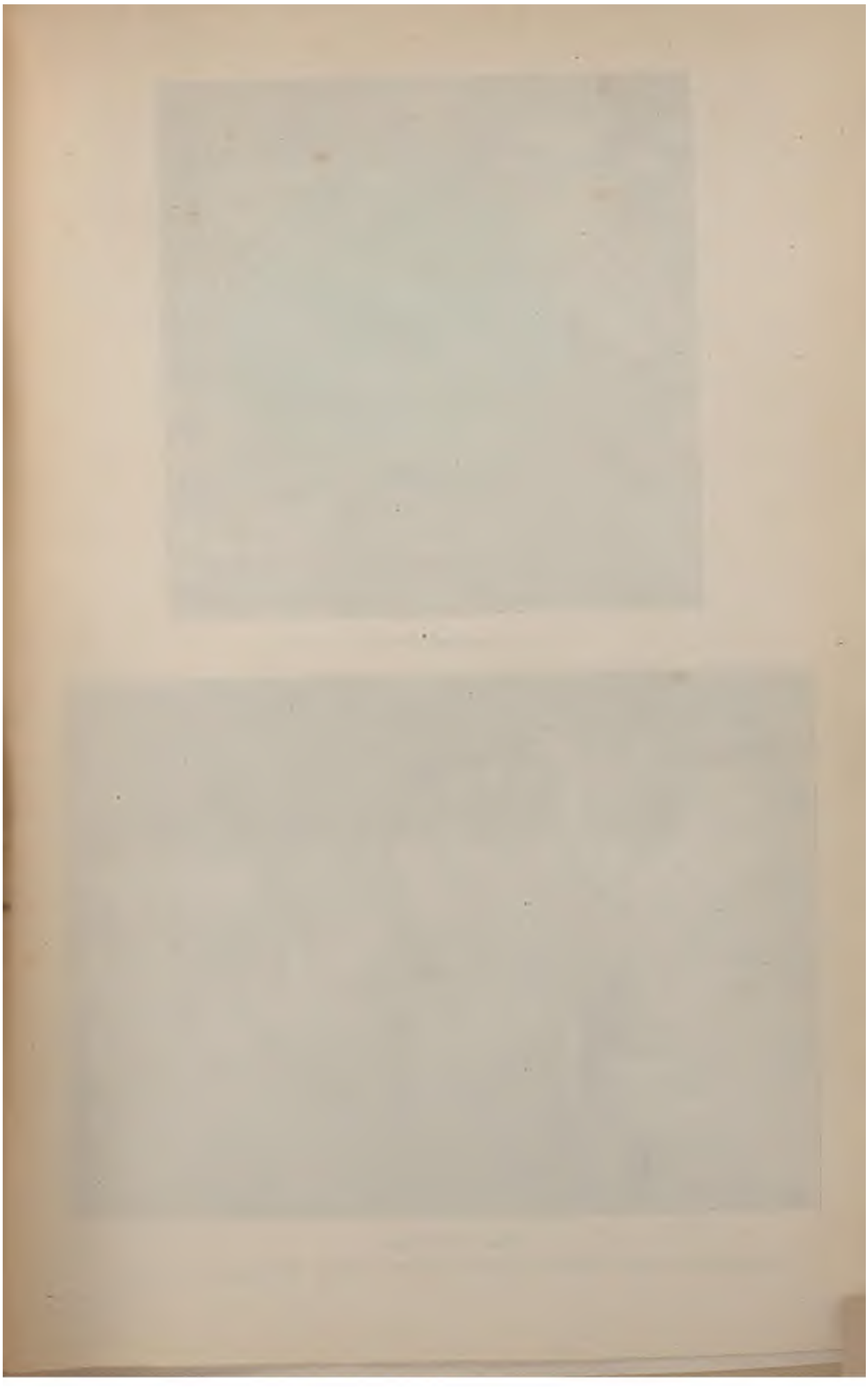


I.—The Cathedral Church, or Minster of York.

THIS Church[1] is at this day an excellent, fair, and stately fabric. John Leland observes that there be eight arches in each of the side aisles of this church, and four on each part of the cross aisles, and nine on each of the aisles of the sides of the east part of the church. But I shall deduce it from its original, which was not so great.

Upon the conversion of King Edwin by Paulinus, the first Arch-

[1] Besides Bede, the old historians, and Stubbs, see also Raine, *The Fabric Rolls of York Minster*, with an Appendix of illustrative documents (pub. 1859, *Surtees Society*); Willis, *The Architectural Hist. of York Cathedral* (pub. in Proceedings of meeting of the Archaeological Institute at York, 1846); Browne, 1. *The Hist. of the Metropolitan Church of St. Peter, York* (pub. 1838-47): 2. *A letter to the Rev. R. Willis in Vindication*, etc. (1849): 3. *Fabric Rolls and Documents of York Minster*, a reply, etc. (second edition, 1863): 4. *Guide for Strangers and Visitors to York Minster* (pub. 1872); Poole and Hugall, *An Historical and Descrip. Guide to York Cathedral*, etc. (pub. 1850); Dixon and Raine, *Fasti Eboracenses* (pub. 1863); Britton, *The Hist. and Antiq. of the Metropolitical Church of York* (pub. 1819); Wellbeloved, *A Guide to the Cathedral Church of St. Peter* (Fourth edition, 1815); Dugdale, *The Hist. of St. Paul's likewise an Historical Account of the Northern Cathedrals*, etc. (pub. 1716); Gent, *The famous great Eastern Window in St. Peter's Cathedral, York* (pub. 1762); Hildyard, *The Cathedral Churches of Canterbury and York* (pub. 1755); Halfpenny, *Gothic Ornaments in the Cathedral Church of York* (pub. 1795).





THE NORTH WALL.



THE SOUTH WALL.

REMAINS OF THE SAXON CHURCH OF ST. PETER THE APOSTLE, YORK.

Opp. p. 159.



bishop of this place, the King, against the time of his own baptism,[1] caused a little church to be erected of boards in the city of York, and did dedicate it to St. Peter. Afterwards he laid the foundation of a very stately building round about the wooden church, which, he being taken away by untimely death, his successor Oswald finished.[2]

The church was destroyed, and indeed the whole city, by fire, in the time of William the First, upon a controversy between the Danes and Normans, as is set forth at large in another chapter.[3]

Thomas,[4] the 25th Bishop of York, made so in the year 1070, first new covered and repaired the church for a time. But afterwards he pulled down the old building, and erected a new one, and the church newly built by him he furnished with books and all kinds of necessary ornaments.[5]

In the latter end of the time of Archbishop Thurstan, in June 1137, this church was again burnt by casual fire, as also St. Mary's without the walls, and an hospital, and thirty-nine other churches were destroyed. Indeed, the whole city was almost utterly consumed.

Afterwards Roger, the 31st Archbishop of York, a great gatherer but a bountiful benefactor, of whom it was said, "Bonus servatius facit bonum Bonifacium," about the year 1154, built anew the choir of the Cathedral church,[6] and the vaults of the same decayed with fire.

[1] See page 41.

[2] Bede, *Ecc. Hist.*, Bk. II, c. xiv and c. xx. Parts of this fabric were discovered beneath the choir of the present cathedral during the repairs rendered necessary by the mad act of the incendiary Jonathan Martin.

[3] This was only the beginning of the disasters of this period. These devastations are described in *Brompton*, col. 966; Hoveden, *apud Savile*, p. 258*b*; *Knyghton*, col. 2344; *Malmesbury*, Bk. III, A.D. 1069; *Saxon Chron.*, Ed. Ingram, p. 271; *Symeon*, col. 199; *Hist. Eccl. Dunelm.*, p. 183; *Wendover*, Ed. Giles, vol. I, p. 337.

[4] Thomas of Bayeux, also known as Thomas the Norman. With him there began a new dynasty of archbishops. Aldred, his predecessor, was the last of the Saxon successors of Paulinus.

[5] Willis, *The Architectural History of York Cathedral*, pp. 14-15. Professor Willis confirms this statement that Archbishop Thomas repaired the Saxon church, and afterwards superseded it by a new building. See also Stubbs, *Act. Pont. Hist. Ang. Scrip. Decem.*, cols. 1708-1709.

[6] Stubbs, *Act. Pont.*, col. 1723. "Idem etiam Rogerus chorum ecclesiae cathedralis sancti Petri Eboraci cum criptis ejusdem et palacium archiepiscopale in Eboraco, quod juxta ipsam ecclesiam situm est, de novo construxit. Condidit etiam capellam Sancti Sepulcri ad januam ipsius palacii ex parte boreali ejusdem ecclesiae beati Petri, ac ipsam in honore Dei genitricis Mariae et sanctorum Angelorum dedicavit," etc.

He rebuilt the palace,[1] and erected and made from the ground that Chapel of St. Sepulchre near the Palace Gate, upon the north side of the Cathedral Church,[2] and appropriated eleven benefices[3] for the maintenance of the ministry therein.[4] He was buried in the middle of the choir which he himself had built in the year 1181.

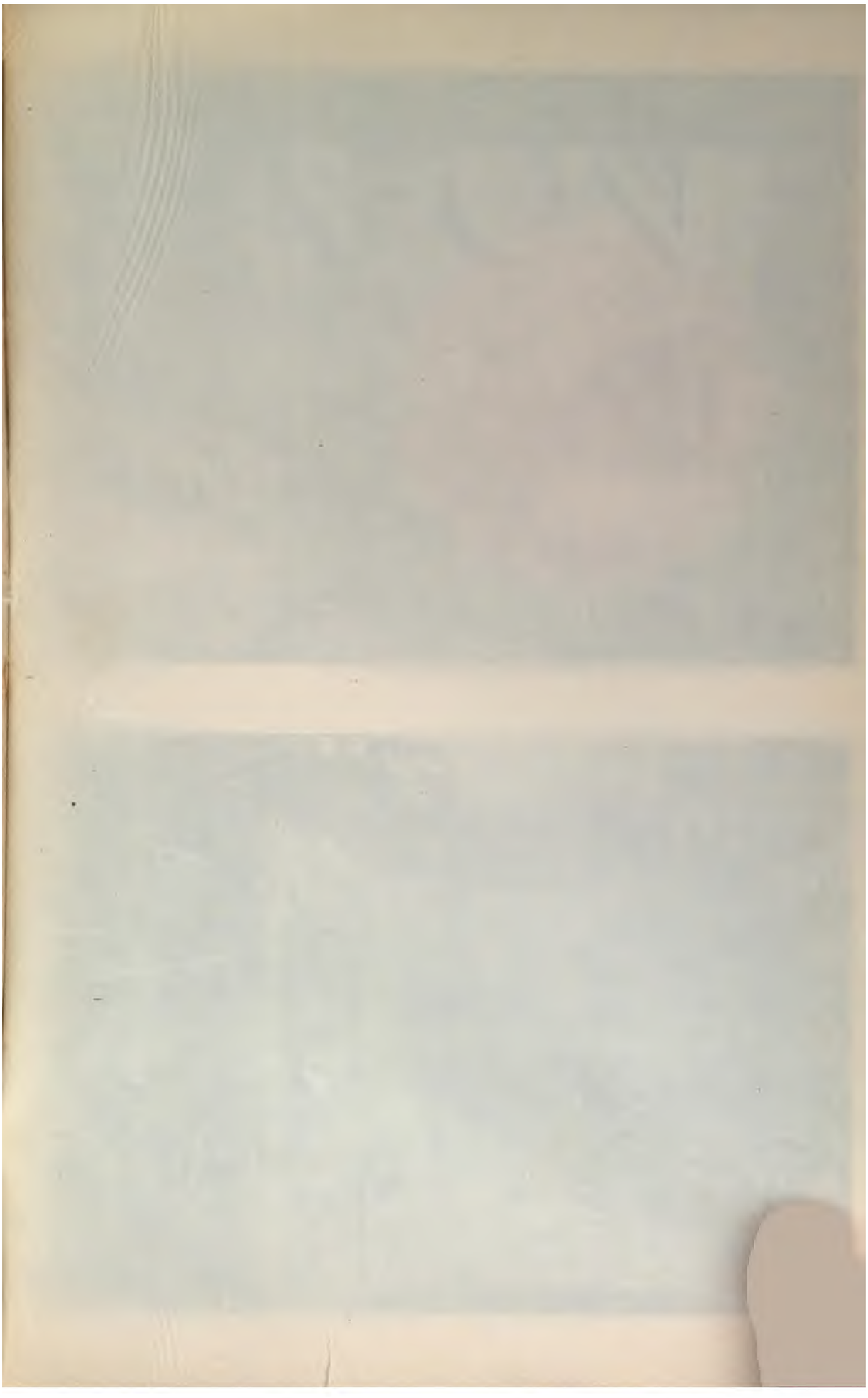
Sewall, the 34th Archbishop of York, who after his death was reputed a saint, about the year 1259 caused the stipends of the

[1] Canon Raine has thus summarised the history of this ancient palace: "The palace was granted on long leases to the Ingram family at a time when the maintenance of so many residences was an intolerable burden to the see, and Sir Arthur Ingram, the first lessee, repaired and decorated the house, and laid out the grounds with a taste which made them for a long time one of the chief sights of the city. The large space which now constitutes the gardens of the deanery and the residence was then occupied by flower beds, and shady walks ornamented with statuary, interspersed with fish-ponds, a bowling-green, and a tennis-court. It was here that Charles I resided during his last visit to York. The great house, however, fell into decay and the fair gardens were neglected, and, in 1817, the dean and chapter, to whom the position was of the greatest importance, were allowed by Act of Parliament to purchase them of the Marquess of Hertford, the representative of the Ingrams, and the archbishop. The price paid was £2,200, a small sum according to our present idea of their value. The old buildings on the site, which had become little better than ruins, were removed by degrees, and here a new deanery and a residence-house were erected, the old principle of having a separate abode for every prebendary having been given up. The space thus occupied is cut off from the city by iron gates and rails, and the public enjoy the privilege of a thoroughfare only by permission of the dean and chapter, the gates being occasionally locked to vindicate the right. The elm-trees in the enclosure, originally twenty in number, were planted by Dean Markham in 1818. The palace was nearer to the minster than the present residence-house" (*York*, in *Historic Towns* series, p. 157).

[2] This chapel, which is spoken of as a "gem of ecclesiastical art", was restored in the time of Archbishop Thoresby (1352-1373). It was certified in the thirty-seventh year of the reign of Henry VIII to be of the yearly value of £192 16*s.* 6*d.* It was standing here much later, for we find that the tithes belonging to this chapel, and the chapel itself, were sold to one Webster in the fourth year of Queen Elizabeth. Soon after it was removed. Portions of its rich carvings in Derbyshire marble have been unearthed at various times, and are now in part preserved n the Museum of the Yorkshire Philosophical Society.

[3] Ex *Registro MS. Miscellaneo* in custodia majoris Ebor. signato cum litera C. fol. 231*b*.—T. W.

[4] "Of his own bounty he gave them the churches of Everton, Sutton with Scroby chapel, Heyton, Bredesey, Ottely one mediety." He "procured, of the liberality of other faithful persons, the church of Calverley, *ex dono* Willielmi de Scoty; the church of Hoton, *ex dono* Willielmi Paganel; the church of Harwood, *ex dono* Advicie de Ruminilly; the church of Thorpe, *ex dono* Ade de Bruys *et* Ivette de Archis *uxoris suae*." The churches of Collingham, Clareburg, and Retford also belonged to this chapel (Torre).









A Pillar





A Pillar.



Portion of a Door.

et semitas[1] sine omni impedimento et contradictione in eundem[2] et redeundo in Theuisdale quod est de libero tenemento meo ad sufficientiam fabricae ejusdem ecclesiae quotiescunque opus fuerit dictam ecclesiam emendare reedificare vel amplificare. Et ad majorem securitatem hujus concessionis praesentem paginam sigilli mei appositione dignam duxi communire. Ego vero et haeredes mei warrantizabimus hanc donationem nostram in perpetuam. His Testibus Rogero Decano, Galfrido de Norwich praecentore, Gulielmo Thesaurario, Magistro Waltero Archidiacono."[3]

This was about the 4th year of Henry III, A.D. 1220, for Roger was then Dean of York.[4]

John Roman, the 38th Archbishop of York, built the cross aisle in the north side of the church towards the Palace, and a goodly steeple in the middle of the church at his own proper cost.[5] With his own hands he laid the first stone of the great body of the church upon

[1] "Transitum per antiquas et consuetos et semitas." This is not the grant of a *new* quarry, but a confirmation of the right to use an old quarry, using the old and accustomed ways and paths. Browne, *Met. Church of St. Peter*, argues that the original donor was a Percy, *vide* p. 13. On p. 47 he also urges that Archbishop Thoresby (1364) speaks of the Percys as donors of stone from their quarries.

[2] *Sic*, for eundo.

[3] "Charter of Lord Robert Le Vavasour, concerning a stone quarry at Tadcaster,

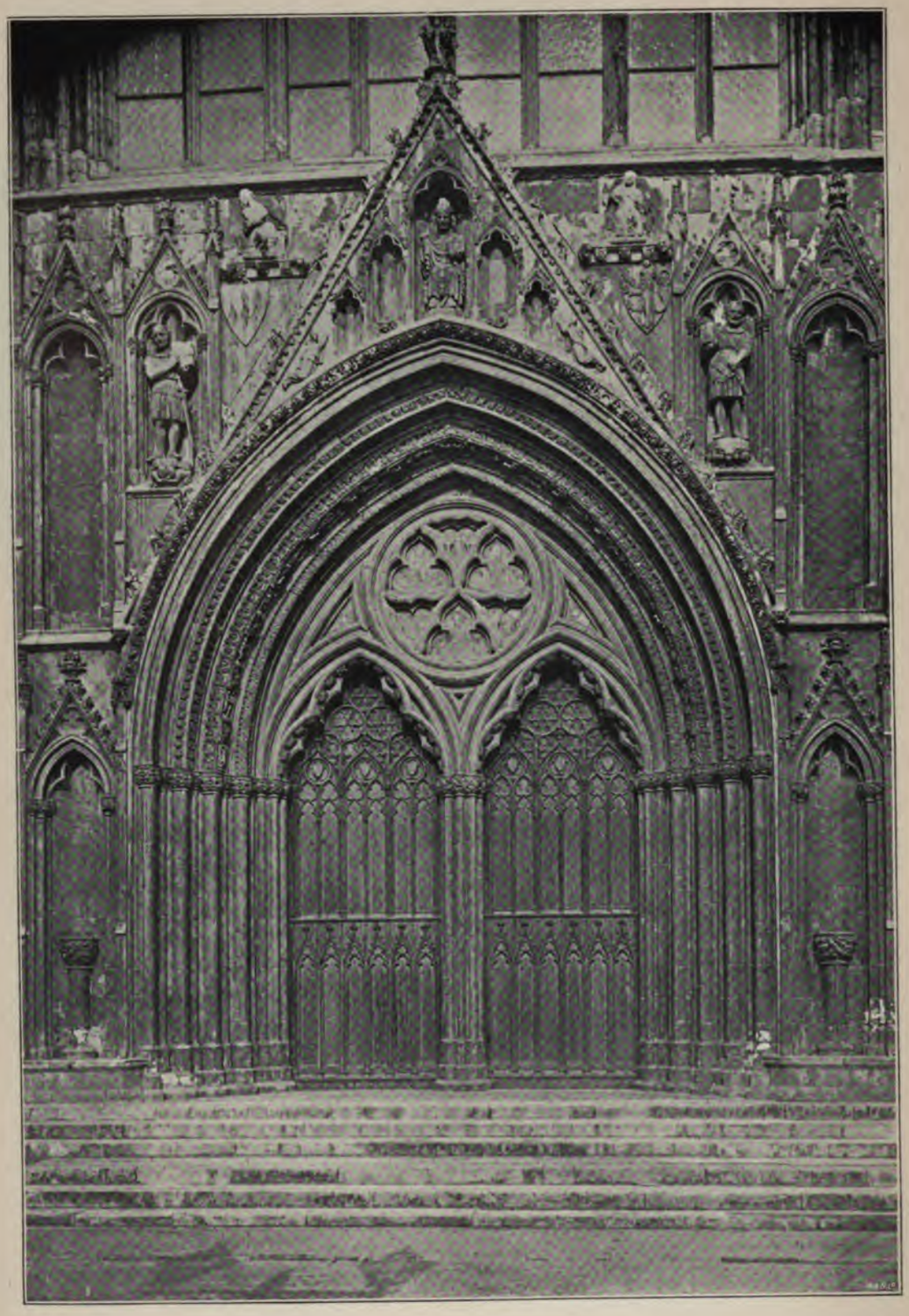
"To all the faithful of Christ to whom this present writing shall come, Robert Le Vavasour [sends] eternal greeting in the Lord.

"Know all of you, that I have given, granted and by this my present charter confirmed, in pure and perpetual alms, and free from all salutary service, to God and the Blessed Peter and to the Church of York, for the health of my soul and of the souls of my wife Juliana and my ancestors and successors, and in order that we may be partakers of all good things that shall be done in the same Church for ever, the full and free use of my stone-quarry and free transit to the same by the old and accustomed ways and paths without any impediment and contradiction in going and returning along Thevesdale, which is of my free tenement, so as to suffice for the fabric of the same Church, whensoever there shall be need for mending, re-building or enlarging the said Church. And for the greater security of this grant I have thought fit to fortify the present page by affixing my seal. Moreover I and my heirs will warrant this our gift for ever. Witnesses, Roger the Dean, Geoffrey de Norwich, Precentor, William the Treasurer, Master Walter the Archdeacon." This charter is also given in *Monast. Anglic.*, being quoted, as in this case, from a Register of the Church of St. Peter. Browne says that no such register is now extant (p. 46).

[4] There is no date to this grant. Roger the Dean appears as a witness to a grant in 1230 (Vide p. 81 *ante*). Willis, *Survey Cathedrals*, vol. i, p. 98, mentions Walter de Wysebech as Archdeacon, 1221-25. 1225 may be safely taken as an approximate date.

[5] This is an error. The North Transept and the Tower were the work of the Archbishop's father.





THE WEST DOOR, YORK MINSTER.

Opp. p. 163.



the south gate of the same.[1] But he lived not to bring that noble work to any perfection, being taken away by death, March 15th, 1295.

William de Melton, the 42nd Archbishop of York, finished the west part of the body of the church[2] with the expenses of 700 marks.[3] He bestowed great costs upon the shrine of St. William, and died about the year 1340.

In the year 1352 William de la Zouch, the 43rd Archbishop of York, who had formerly given the Scots a defeat at Nevill's Cross,[4] near Durham, began the foundation of a chapel,[5] in the south side of the church, intending to be buried in the same, but he was prevented by death, and he was laid before the altar of St. Edmund the Confessor.

John Thoresby, the 44th Archbishop of York, being translated from Worcester in October 1352,[6] the tenth year after, began to build anew the choir of the Cathedral Church, laying the first stone himself July 29th.[7] Towards the charge of this work he presently laid down £100, or, as some say, £500,[8] and promised to contribute yearly £200 till it was finished, which he performed as long as he lived.[9] He bestowed much cost in building the Lady Chapel,[10] and in removing the bodies of his predecessors, who were buried elsewhere within the

[1] He laid the foundation of the present nave on April 6th, 1291.

[2] Dixon and Raine, *Fasti Eboracenses*, p. 423: "He finished the western portion of the nave of the Minster, and on the exterior, in the most conspicuous position, on that glorious façade, his munificence is strikingly illustrated. He sits above the central doorway, graven in stone, in his archiepiscopal attire, with his hand still raised in the attitude of benediction. Over his head is the finest Gothic window in the world, built in all probability by himself, and still beaming with the glowing colours with which he adorned it."

[3] This should read 500 (not 700) marks.

[4] *Martial Annals*, ch. vi.

[5] This chapel, which was finished after the Archbishop's death, was removed when the eastern part of the Minster was rebuilt. The vestry indicates the position of the original chapel, and is said to embrace part of the old work. See *Fasti Ebor.*, p. 448.

[6] His association with Worcester was very brief. He was enthroned Sept. 12th, 1351.—Thomas, *Hist. Worcester*, p. 180.

[7] July 29th, 1361.

[8] The amount was 100 marks. The order to pay it is in Thoresby's *Reg.*, and is dated Aug. 1st.

[9] These payments were made half yearly, £100 at a time, and are all accurately entered in the *Register* of this Archbishop. It is estimated that the donations of Thoresby to this work amounted to about £37,000.—*Fasti Ebor.*, p. 484, notes.

[10] This Lady Chapel forms the most easterly part of the Minster beyond the altar. Gent, *Hist. York*, p. 24, *note*, and others, identify this Lady Chapel with the Church of St. Sepulchre, an extraordinary blunder.—Vide *Fasti Ebor.*, pp. 485-6, notes.

church, and caused them to be interred within the said chapel.[1] He was himself buried in the middle hereof November 6th, 1373.[2]

Walter de Skirlaw, Bishop of Durham, built a great part of the lanthorne of the Minster, where his arms are fixed.[3] He was interred in the church of Howden,[4] where there was of late years some small monument of him.

Thomas Avondell, who was Archbishop in the year 1388, gave to this church, besides many rich ornaments, two great basins of silver and two cruets, a silver cup of great weight, and to the Canons a massive and costly bowl of silver.

Henry Bowet, Archbishop in the year 1406, and for a year Lord Treasurer of England, a great housekeeper, built the altar of All Saints, in the east part of the Minster of York, and was there buried.

In the year 1464 the Minster of York was again burnt, in the time when William Booth, sometime a student of the common law in Gray's Inn, was Archbishop.

Thomas Scot, *alias* Rotherham, the 54th Archbishop of York, born at Rotherham in Yorkshire, gave a rich mitre instead of that which King Edward IV had taken from Archbishop George Nevill. He was buried in the year 1500 in the north side of the Lady Chapel, in a marble tomb which he himself erected in his lifetime.[5]

[1] Five of these were, *Gerard*, ob. 1108; *Thomas II*, ob. 1114; *Henry Murdac*, ob. 1153; *Walter Giffard*, ob. 1279; *John Romanus*, ob. 1296.—Leland, *Itin.* (Ed. 1769), vol. viii, fol. 14. There was a sixth stone which Leland could not decipher. For an interesting and conclusive discussion of this matter see the works of Professor Willis, and also *Fasti Ebor.*, pp. 487-8, notes, where there are extracts from Thoresby's *Register* and *Fabric Rolls*, showing payments for making and fixing the tombstones, and setting the brasses.

[2] Leland saw his tombstone as here described. Widdrington takes this information concerning the Lady Chapel from Stubbs.

[3] Namely, six osiers, interlaced after the manner of a sieve.

[4] William the Conqueror gave the church at Howden or Hoveden, probably the birthplace of the annalist who bears that name (see p. 127), to the Bishops of Durham. They also had a palace here, and here some of them died, viz., Hugh Pudsey, 1195; Walter de Skirlawe, 1405; and Walter de Kirkham, 1560. Skirlawe was not buried at Howden. Canon Raine says (1863), "I saw him about fifteen years ago at Durham, when his tomb was disturbed, swathed in lead, through which the outline of his crozier could easily be traced. He now lies in the north aisle of the choir, between the organ and the wall, before the stone seat which he erected for the aged men who were to sit thereon and offer up their prayers for his soul. A gorgeous brass, 15 ft. in length, once covered his remains. The matrix is now laid before the altar steps, and is erroneously ascribed to Bishop Beaumont."—*Fasti Ebor.*, p. 461, note *m*.

[5] This tomb is under the north end of the east window in the Lady Chapel. This monument was restored in 1832 at the expense of Lincoln College, Oxford, of

Aeneas Sylvinus, who was Pope Pius II, and who is thought to have written his own life, but in the name of another person, saith, "this church for workmanship and greatnes is famous over all the world, and a chapel there, most lightsome. The glass windows are fast bound between pillars that be most slender in the middest." This Chapel, says Mr. Camden,[1] is that most dainty and beautiful Chapter House,[2] in which this verse stands painted in golden letters:

"Ut rosa flos florum
Sic est Domus illa domorum."[3]

But as I cannot, so I hope the reader will not be of opinion with him who would comprehend all the excellencies of this city: "1, in the Chapter House; 2, mustard, *mustardum cacum capitolium est Eboracum;* 3, mayne-bread."

The Liberties of this church were allowed in the 38th year of Edward III (Pat. 38 Edward III, p. 2, m. 15). The advowson of the Church of Cottingham was annexed to the vicar of this church, and his successors, in the 3rd year of Richard III (Bund. de priv. sigillo 3 Richard III). The Corporation of the Vicars Choral of this church was renewed and confirmed in the 9th year of Henry V (Pat. 9 Henry V, p. 1, m. 16). The Church of Huntington, near York, was appropriated to this vicarage (Pat. 25 Edward III, p. 1, m. 23). The Church of St. Sampson was appropriated to this vicarage without the

which College the Archbishop had been one of the largest benefactors. For many years he was Lord Chancellor to Edward IV. After the death of Edward he was imprisoned by Richard III, because of his adherence to the Queen.

[1] Fol. 706.—T. W.

[2] It is not possible to definitely fix the date of this magnificent structure, the extant records of the church bearing no account of it. Stubbs, who is particular enough in his memoirs of the rest of the building, entirely omits this. The popular opinion, based upon the elaborate arguments of Drake, that the building owes its existence to Walter de Gray, is discredited by the later authorities. Probably it was completed about the same time as the west part of the nave—the first half of the fourteenth century. Drake says, "This building is an octagon of 53 ft. diameter; the height of it, to the middle of the roof, unsupported by any pillar, is 67 ft. 10 in. The eight squares of the octagon have each a noble window, adorned with coats of arms, pennances, and other devices, except one square, which is joined to the other building over the entrance; and this has been painted with the representations of saints, kings, bishops," etc. In 1845, the whole interior, by means of the bequest of Dr. Beckwith of £3,000 for the purpose of its repair, underwent a thorough restoration. The roof, which had formerly been decorated with paintings of kings, and saints, was illuminated after the old style, and the pavement was taken up and replaced with the present encaustic tiles. The whole Chapter House now forms a splendid specimen of Gothic architecture.

[3] "As the rose is the flower of flowers, so is this the chief of houses."

endowment of a vicar there according to the Statute 17 Richard II (Pat. 17 Richard II, p. 2, m. 28; et anno 19, p. 2, m. 1; et anno 4 Henry IV, p. 2, m. 21). There was a confirmation of an ordinance formerly made for the profits and oblations of the Church of St. Sampson to be divided between the vicar of the Cathedral Church and that church (Pat. 1 Henry IV, p. 5, m. 34).

There were several Guilds and Fraternities in this Church:—

(1) The guild or fraternity of St. Christopher (Pat. 19 Richard II, p. 2, m. 6 et 9; confirmatio ejusdem 1 Henry V, p. 2, m. 14; et 2 Henry V, p. 1, m. 36).

(2) The guild or fraternity of Corpus Christi (37 Henry VI, p. 1, m. 17).

(3) Gilda Jesu Christi et B. Mariae (Pat. 31 Edward III, p. 1, m. 18); which was afterwards converted into an hospital (Pat. 2 Richard II, p. 2, m. 21).[1]

(4) The guild or fraternity of St. Martin (Pat. 24 Henry VI, p. 2 m. 2).[2]

II.—Parish Churches within the City and Suburbs of York.

In the time of King Henry VI there were thirty-nine parish churches[3] in this city; found so, by an Inquisition upon Commission for collection of a subsidy granted by Act of Parliament.[4]

[1] Anno 20, not 2. [2] Mem. 20, not 2.

[3] See Lawton, *Collectio Rerum Ecclesiasticarum de Dioecesi Eboracensi* (pub. 1840); Parker, *Notes on York Churches* (*Archaeological Journal*, vol. iii, pp. 211, 212, etc.); Fawcett, *The Churches of York* (pub. 1843).

[4] The City Registers contain a list of forty-one parish churches in the time of Henry V (1413-1422). Indeed, as many as forty-five have been counted as existing in the city at one time. These are some of the ancient churches not in the list quoted by Sir Thomas:—

The Church of St. Andrew: Site between Andrewgate and Spen Lane; part of the building still remains, but is fast hastening to decay. *The Church of St. George:* The burial ground still remains within Fishergate Bar; united to St. Dionis in Walmgate (according to Stat. 1, Edw. VI, c. 9). *The Church of St. Nicholas*, extra Walmgate: Site near the tan-yard in Lawrence Street; the Church of St. Edward (p. 168) stood on the opposite side of the road. *The Church of St. Michael*, extra Walmgate: Site just outside the Bar on the east side of the road leading to Fulford; united to St. Lawrence in 1365, *temp.* Edward III. *The Church of St. Benedict:* Site indicated by Benet's Rents, Little Stonegate; this church was in ruins *temp.* Edward III (Pat. 33 Edw. III, p. 2, m. 6). *The Church of St. Clement:* Site in Clementhorpe; a fragment of the contiguous nunnery wall remains (*vide* p. 127). *The Church of St. Nicholas*, Micklegate: Site at the





PLAN DE YORKE, MADE IN 1650.

(B.M. ADD. 11564, XI.)

Odd. p. 166.

(1) The Church of St. Mary,[1] in Castlegate. There was a chantry[2] erected in this church, and six marks granted by Roger Bassy (Pat. 4 Edward II, p. 2, m. 13). And a chantry and five marks rent granted out of Naburn by Thomas Norfolk (Pat. 13 Edward II, m. 30). Another chantry, Pat. 51 Edward III, p. 1, m. 28. And another, Pat. 3 Richard II, p. 2, m. 28. And another, Pat. 1 Richard II, p. 1, m. 14.[3]

(2) The Church of St. Mary, in Layerthorp, without the postern, united to St. Cuthbert.[4]

junction of Toft Green and Bar Lane. *The Church of St. Bridget:* Site in "Mucclegata" (*Mon. Ang.*, vol. i, p. 564). *The Church of St. Stephen:* Site uncertain.

[1] In the museum of the Y. P. S. there is a Saxon cross, 15 inches long, found during the renovation of this church.—*Cat.*, p. 76.

[2] "Chantries were small buildings, originally founded, and endowed with land and other revenues, for the maintenance of one or more priests to say daily mass for the souls of the founder and his relations, or other benefactors. A chantry was often annexed to cathedral and parochial churches, either within the walls or attached to the exterior of the building. Chantries were dissolved by the statute of 1 Edward VI, c. 14."—Benham, *Dict. of Relig.* Cantaria=a chantry.

[3] See also 11 Edw. III, p. 1, m. 2; 12 Edw. III, p. 2, m. 6; 6 Rich. II, p. 3, m. 9; 7 Rich. II, p. 1, m. 24; 8 Rich. II, p. 1, m. 39; 10 Rich. II, p. 1, m. 34; and 15 Rich. II, p. 2, m. 2.

[4] An Act of Parliament was obtained in the first year of King Edward VI for uniting churches in York and pulling down such as were superfluous. The preamble to the Act is as follows:—

"Whereas in the ancient city of York and suburbs of the same are many parish churches, which heretofore, the same being well inhabited and replenished with people, were good and honest livings for learned incumbents, by reason of the privy tithes of the rich merchants, and of the offerings of a great multitude, which livings be now so much decayed by the ruin and decay of the said city, and of the trade of merchandize there, that the revenues and profits of diverse of the same benefices are at this present not above the clear yearly value of six-and-twenty shillings and eightpence; so that a great sort of them are not a competent and honest living for a good curate; yea, and no person will take the cure, but that of necessity, there is some chantry priest, or else some late religious person being a stipendiary, taken and appointed to the said cure and benefice, which for the most part are unlearned and very ignorant persons, not able to do any part of their dutys; by reason whereof the said city is not only replenished with blind guides and pastors, but also the people much kept in ignorance, as well of their dutys towards God, as also towards the king's majesty and the commonwealth of this realm, and to the great danger of their souls.

"In consideration whereof, and for the better relief and order of the said city," &c.

The statute was not put in full execution till the twenty-eighth of Elizabeth; when the Archbishop, the Lord Mayor, and six Aldermen met by virtue of this

(3) The Church of St. Mary, in Bishophill (the new),[1] and the Church of St. Mary (*veteris*, or the elder), Bishophill.[2] A chantry issuing out of the moiety of the manor of Bilbrough (Pat. Henry IV,[3] p. 1, m. 2).

(4) The Church of Allhallows in the Pavement. In the *Book of Domesday* it is said :—"Habet Episcopus Dunelmensis ex dono Regis Ecclesiam Omnium Sanctorum, et quae ad eam pertinent."[4] There was a chantry erected in this church and five marks rent granted by the executors of Thomas Alwathorp (Pat. 4 Edward II, p. 1, m. 4).

[Another by I——[5] the wife of John de Acaster (Pat. 7 Richard II, p. 1, m. 22. And Pat. 2 Henry IV, p. 3, m. 6. The like at the altar of St. Peter in that church, and a messuage called Stanbow (Pat. 2 Henry IV, p. 3, m. 6; and Pat. 19 Richard II, p. 1, m. 26).][6]

(5) The Church of Allhallows in North street. A chantry in this

statute, and agreed that certain parishes should be united, as indicated by the following list :—

St. Peter the Little to Allhallows in the Pavement.
St. Helen on the Wall
St. Mary without Layerthorpe-postern
Allhallows in Peaseholm Green
} to St. Cuthbert.
St. George at Bean-hills to St. Dennis.
St. Helen without Fishergate
Allhallows within „
} to St. Lawrence.
St. Clement to St. Mary the Elder, Bishophill.
St. Peter in the Willows to St. Margaret.
St. Gregory to St. Martin in Micklegate.
St. Edward to St. Nicholas without Walmgate bar.
St. Giles in Gillygate to St. Olave.
St. John in Hungate
St. Andrew
} to St. Saviour.
St. John de la Pyke
St. Maurice
} to St. Trinity, Goodramgate.
St. Nicholas to St. Trinity (both Micklegate).
St. Wilfrid to St. Michael le Belfry.

The Church of St. Helen was also demolished, but was afterwards rebuilt, by an Act obtained by the parishioners in the first year of Queen Mary.

[1] These churches contain undoubted Saxon work. This may be said of one or two others. Considering the importance of York in Saxon days, it is surprising that comparatively little work of that period has been found in these old churches.

[2] These ought to be counted 3 and 4—*two*, not *one*.

[3] In the fourth year of his reign.

[4] "The Bishop of Durham has, of the gift of the king, the Church of All Saints, and what pertained to it."—Ed. 1783, fol. 298.

[5] The name on the roll is *Isolda*.

[6] This paragraph in brackets appears in the *MS.* under Allhallows, North Street, which is a mistake.

church and five messuages (Pat. 11 Henry IV, p. 1, m. 7). And another of five marks by Stephen Bullinbrook (Pat. 9 Edward II, p. 2, m. 9). The like for another chantry by John Benge (Pat. 18 Edward II, p. 1, m. 20).

(6) The church of Allhallows in Pesholme united to St. Cuthbert.

"The company or society of the house of priests near Allhallows-in-the-Marsh in the city of York, to the worshipful man John Twayts, Lord of Denton in the parish of Otley. Every year upon the 7th of May, and for publication thereof, the day before, they will procure the under-bellman of the city of York to sound the bell about the city as the manner is, for which John Twayts released of his annual rent of 13*s.* issuing out of that house the moiety thereof, and granted unto him a charter, in the said house to lodge, when he came to the town."

This wanted a seal of the Crown, but the deed bears date the 30th of March, 1498, in the 13th year of King Henry VII.

(7) The Church of Allhallows in Fishergate, united to St. Lawrence.

(8) The Church of Trinity in Micklegate.

[Chantries founded in this church are Pat. 2 Henry IV, p. 2, m. 37; Pat. 21 Edward III, p. 1, m. 29; Pat. 6 Henry IV, p. 1, m. 4; Pat. 18 Richard II, p. 2, m. 41; Pat. 16 Richard II, p. 1, m. 11; Pat. 8 Richard II, p. 1, m. 7.][1]

(9) The church of Trinity in Coney Street.[2] A chantry and six marks rent granted by Robert Roston (Pat. 14 Edward II, p. 2, m. 9).

[And another chantry in *Ecclesia Sanctae Trinitatis in Curia Regis*, Pat. 1 Richard II, p. 6, m. 30. And the like in the same

[1] The paragraph in brackets should be transferred to St. Martin, No. 21. For oly Trinity see 6 Edw. III, p. 3, m. 10 and m. 14.

[2] Not the Conyng (Coney) Street of the present day. This church, which stands in Colliergate, at its junction with Goodramgate and Petergate, is denominated *Ecclesia S. Trinitatis in Aula* (vel curia) *Regis*, or in English, *Saint Trinityes in Conyng-garthe*, and *Christys Chyrche in Conyngs-Yard.* The church is commonly spoken of as *Christ Church* to-day.

Probably the name arose in this way. There is no doubt that the Praetorian palace stood near this site in Roman times. It is hardly less certain that the Northumbrian kings had their residence here in the Saxon and Danish periods. For instance, Tostig, the outlawed Earl of Northumbria, had his palace in York (*Saxon Chronicle*, 1065). Goodramgate, indeed, takes its name from Godram or Guthrum, a Danish official and warrior, who resided here. Later still, the English kings appear to have held this place as a manor. Hence arose the distinguishing phrase *in the Court of the King*, or *in King's Square.* Sir Thomas has some interesting facts respecting this matter on p. 74. Drake suggests, as an explanation of the term *Duke Gild Hall*, that the manor passed from the Kings of England to the Dukes of York.

church, Pat. 44 Edward III, p. 1, m. 9. Another, Pat. 8 Henry IV, p. 2, m. 24.][1]

(10) The Church of Trinity in Goodramgate. A chantry made in this church, at the altar of St. Nicholas, and two messuages, granted by Elias de Wandesford (Pat. 17 Edward II, p. 1, m. 12, and Pat. 2 Edward III, m. 26). The like for another chantry in that church (Pat. 9 Edward II, p. 2, m. 9). Another, Pat. 35 Edward III, p. 3, m. 36.

(11) The Church of Holy Cross in Fossgate.[2] A chantry erected in this church, and six marks rent granted issuing out of the tenements of Robert (Pat. 10 Edward II, p. 1, m. 24).[3]

(12) The Church of St. Clement in Fossgate.

(13) The Church of St. John the Evangelist on Ouse-bridge end. A chantry and six marks granted by John de Shupton (Pat. 12 Edward II, p. 2, m. 25). And another, Pat. 39 Edward III, p. 1, m. 24.

(14) The Church of St. John del Pyke, beside the Minster, united to St. Trinity in Goodramgate.

(15) The Church of St. John in Hungate, united to St. Saviour. A chantry erected here, and eight marks rent called the chantry of Richard Russell, and Jo. Thresk[4] (Pat. 39 Henry VI, m. 19), and another chantry erected there by Jo. Thresk (Pat. 6 Edward IV, p. 2, m. 12).

(16) The Church of St. Helen at the walls, united to St. Cuthbert's.

(17) The Church of St. Helen in Fishergate, united to the Church of St. Lawrence.

(18) The Church of St. Michael de Belfry, or St. Berefrido.[5]

(19) The Church of St. Michael at Ouse-Bridge end. Confirma-

[1] This paragraph in brackets appears in the *MS.* under the next church, Trinity in Goodramgate, which is surprising, especially as Sir Thomas is very clear in another place, viz., p. 74. See also Pat. 2 Edw. III, p. 1, m. 34.

[2] This church stood just outside one of the gates of ancient Eboracum, like Calvary of old. It was a beautiful Christian sentiment which planted the Church of Holy Cross here. Nor can one regard the site to-day without emotion.

[3] See also 6 Edw. III, p. 3, m. 12 and m. 14. There is a most interesting and curious collection of masonry, glass, and bells, from this church, in the museum (Y. P. S.).

[4] A form of *Thirsk*.

[5] Mr. Brown (*Hist. Met. Ch.*, pp. 160, 161) says: "The term Berefridus, Berfridus, Verfridus, Belfridus, etc. (for it is variously written), originally denoted a lofty wooden tower, moved on four wheels, having several storeys, and used in war. Afterwards, the name was applied to towers erected in cities or castles, in which guards were stationed, who, by striking a bell, might give notice of the approach of danger. They were also used in times of peace for the purpose of calling the citizens together on any public occasion. Hence, a tower attached to a church,

tion of a chantry founded there (Pat. 11 Edward III, p. 2, m. 31). And another issuing out of two messuages in Clementhorp in the suburbs, and in Ousegate (Pat. 8 Richard II, p. 2, m. 38).

(20) The Church of St. Martin in Coney Street. In *Libro de Domesday:* "Gospatric habet Ecclesiam Sancti Martini".[1] Cantariae in Ecclesia Sancti Martini in Conynge Street: Pat. 49 Edward III, p. 1, m. 14; Pat. 9 Edward III, p. 1, m. 9; Pat. 8 Edward III, p. 1, m. 6; Pat. 5 Henry V, m. 35.

and containing a service bell, would be called by the same name. The Berefridus of the Cathedral was a turret or square compartment, formed at the apex of the roof of the south transept. The compartment was formed partly by the thickness of the wall, partly by the opening of the cuspated triangular window, and partly by the assistance of large brackets bending towards the church, the whole of the compartment being externally about ten feet square, but the height of it is uncertain. Yet some idea of it may be formed by an inspection of the 28th plate, vol. i, of Dugdale's *Monasticon*, ed. 1718. The Berefridus had a broche or spire, probably of wood, covered with lead, and thus it became an object in the plumber's engagement. In this belfry, two bells appear to have been placed, one of them being the prayer-bell and the other the clock-bell. At what period the belfry was erected is uncertain, but there is reason to believe that it existed in the time of Thoresby, and at that time contained two such bells. But the last prayer-bell placed there bore the date 1492, and the following lines :—

'Surge cito, propera, cunctos citat excitat hora ;
Cur dormis? vigila, me resonante, leva.'

"This bell, in the time of Dean Finch, was removed to the top of the lanthorn, and thence, about the beginning of the present century, into the south-west bell tower, where it was destroyed with the other bells in the fire of 1840.

"A new clock-bell was placed in the Berefridus in 1371 in the time of Archbishop Thoresby, and there such a bell remained till about 1752, when the clock and bell were removed.

"It is very probable that the clock of the Cathedral was the oldest, and perhaps for a long period the only public clock in the city, and that the sound of its divisions of the day being so important, its tower became a distinguishing appellation for the church adjoining, or near to it, as 'St. Michael le Berefrido', *alias* 'St. Michael the Archangel de Berefrido', *alias* 'St. Michael de Belfrido', *alias* 'St. Michael called le Belfrey', to distinguish the church from the one of St. Michael in Spurriergate, as 'St. Mary in Castlegate', or 'at the gate of the Castle', had that special appellation to particularise it from any other St. Mary in the city.

"The church of St. Michael le Belfrey certainly did not derive its name from being near the general bell tower, which was formerly in the centre or great tower of the Cathedral; for if it had been styled from its proximity to that tower, it would have been called *St. Michael de Campanili*, which is not, nor ever was, its title."

[1] This is an error. *Domesday Book* says, "Erneis de burun. hŧ . iiii . manŝ . Grim . Aluuini . Gospatric ⁊ Gospatric. ⁊ ecclam . S . Martini ." (Erneis de Burun has four houses of Grimm, Alwin, Gospatric and Gospatric; also the Church of St. Martin.) Fol. 298.

(21) The Church of St. Martin in Micklegate.[1]

(22) The Church of St. Peter-the-Little, united to Allhallows in the Pavement. In the Church of St. Peter-the-Little there was the chantry of B. Mariae Virginis (Pat. 33 Edw. III, p. 2, m. 22; and anno 24, p. 3, m. 17).

(23) The Church of St. Peter-in-the-Willows in Walmgate, united to St. Margaret. A chantry founded in that church, (Pat. 19 Richard II, p. 2, m. 20).

(24) The Church of St. Maurice at Monkgate.

(25) The Church of St. Margaret in Walmgate.

(26) The Church of St. Gregory, united to St. Martin in Micklegate.

(27) The Church of St. Sampson in Thursday Market. In coemiterio Ecclesiae Sancti Sampsonis confirmatio fundationis cantariae ibidem: Pat. 11 Edward III, p. 1, m. 28; another, Pat. 6 Henry IV, p. 2, m. 7; and 2 Richard II, p. 2, m. 13.

(28) The Church of St. Wilfrid in Blake Street. In the *Book of Domesday* it is thus:—"In omni terra Sancti Petri de Euerwick, et Sancti Johannis, et Sancti Wilfridi, et Sancti Cuthberti, et Sanctae Trinitatis."[2] The parson of this church "hath 26*s.* 8*d.* issuing out of tenements upon Bishophill, Eborum" (Esc. 1 Edw. III, No. 83).

(29) The Church of St. Cuthbert in Layerthorp. In the *Book of Domesday*, in the title *In Eboraco Civitate:* "Ecclesiam Sancti Cuthberti advocat. Willielmus de Percy ab Hugone Comite."[3]

(30) The Church of St. Dionis in Walmgate.

(31) The Church of St. Andrew in Fishergate. In the *Book of Domesday:* "Hugo filius Baldri habet Ecclesiam Sancti Andreae quam emit."[4]

(32) The Church of St. Saviour in Saviourgate. One chantry founded, Pat. 23 Richard II, m. 7. Another, 12 Richard II, p. 2, m. 9. Another by the executors of Richard Wartre (Pat. 6 Edward IV, p. 1, m. 9). And another, Pat. 10 Henry IV, p. 1, m. 6.

(33) The Church of St. Lawrence without Walmgate Bar.

(34) The Church of St. Edward, without Walmgate Bar, united to St. Nicholas.

(35) The Church of St. John at the Bean Hills. A chantry erected

[1] For entries on the Rolls see p. 169, No. 8.

[2] "In all the land of St. Peter in York, and St. John, and *St. Wilfrid*, and St. Cuthbert, and Holy Trinity."—Fol. 298*b*.

[3] "William de Percy claims of Earl Hugh the Church of St. Cuthbert."—Fol. 298.

[4] "Hugh, the son of Baldric, has the church of St. Andrew, which he bought."—Fol. 298.



DOORS OF VANISHED CHURCHES, YORK.



St. Giles: now built into the Ingram Hospital.



St. Maurice: now used for Garden Decoration.

DOORS OF VANISHED CHURCHES, YORK.



there (Pat. 39 Henry VI, m. 19) called the chantry of Richard Russell, and Jo. Thresk.[1]

(36) The Church of St. Mary in St. Marygate.

(37) The Church of St. Olave in St. Marygate.

(38) The Church of St. Giles united to the Church of St. Olave, Marygate.

(39) The Church of St. Helen in Stonegate. Chantries there, Pat. 45 Edward III, p. 1, m. 38, and Pat. 3 Richard II, p. 1, m. 38.

The parson of this church hath a tenement in Davygate Lardinar, in the same parish (Pat. 19 Richard II, p. 2, m. 13).

This church was, in the time of Edward VI, united to another church, but afterwards, by a special Act of Parliament, revived again.[2]

Note that in this Inquisition there is one church omitted, Christ Church with lands in ——— Street.[3]

III.—THERE ARE, OR WERE, ALSO DIVERS CHAPELS WITHIN THE CITY, OF WHICH I SHALL MAKE A VERY SMALL MENTION.

(1) The Chapel of St. Stephen within the Minster.

(2) The Chapel of our Lady, at the Abbey.

(3) The Chapel of our Lady, at the Whitefriars. In Pat. 16 Edward II, p. 2, m. 6, a confirmation of a convention made between the chaplain hereof, and the Abbot of Kirkstall for the tithes of the Abbot "in the manors of Colingham and Berdeshay". And 4 Edward III, No. 10, a petition in Parliament for the discharge of these portions from the payment of tithes.

(4) The Chapel of St. Anne in Fosse Bridge. The fraternity or guild of Pater Noster made use of this chapel as appears in the margent.[4]

(5) The Chapel of St. Anne in the Horse Fair.

[1] This is a reference to the Church of St. John in Hungate. See No. 15 in this list. For *m. 19* read *m. 18*, so also in No. 15.

[2] See p. 168. For *19 Richard* read *9 Richard.*

[3] Sir Thomas is mistaken here. *Christys Chyrche* is mentioned under its alternative name of *Trinity.* See No. 9, and my note there. Counting Nos. 15 and 35 as one, and counting No. 3 as two, the total number is 39 exactly.

[4] Drake says that the wooden piles that supported this chapel were on the north side of the bridge, part of which were drawn out in the year 1734, when, by an order *re* sewers, the Foss was ordered to be cleansed up to Monk-bridge. Camden mentions this bridge as so crowded with houses, that he knew not when he was on it.

Anno 627, by King Edwin, upon his conversion, York was to have as many Suffragan Bishops as London, then designed for the other metropolitical see. The number of York was supplied out of those of Scotland, of which I shall speak more in this chapter, which I shall dispatch in the discourse of three matters, which are :—

I.—The privileges and greatness of the Archbishop.

II.—His superintendency over the Bishops of Scotland.

III.—Lastly, with the nomination of such of the Archbishops as have been either accounted Saints, made Cardinals, Lord Chancellors, or Lord Treasurers, omitting the names of all the rest.

I.—For the first, I shall mention but few amongst many, and not in any method of time.

This Archbishop had a pall given unto him by Pope Gregory[1] in the year ———. Chart. anno 11 Edward I m. 3, mention is made *de——— in Archiepiscopum Eborum imperpetuum remanendo.*

Ex Registro Archiepiscopi Eborum, *Lib. Grenefeild*, fol. 44, parte 1 : Pope Honorius did give a pall to Thurstan, then Archbishop of York, and his successors, which grant mentions the former made by Pope Gregory.

Et ex originali charta nuper in Turri B. Mariae Eborum, the title of which is, *Pallium concess. Archiepiscopo Eborum ℣ Alex. Papam:* Pope Alexander granted a pall to this Archbishop, wherein he appoints upon what days and occasions he should use it.

This Archbishop had this privilege, that if a clergyman died in his province, and delivered not his goods away by hand before his death, the Archbishop should have the disposition of them. This grant was procured by Roger, Archbishop of York, about the year 1159, from Pope Alexander (III), and, as the report goes, himself was served with the same measure, for the King (Henry II) seized upon the gold plate and household stuff which he left, and converted it to his own use, saying, it was no reason that his will should stand good, who had disannulled the testaments of so many other persons.

In Rot. Parl. 8 Edward II, m. 22 : A petition of the Archbishop against one B., that he did hinder him in this right of Institution in the Church and Vicarage of Ludham. The answer upon the roll is, "Let Justices be assigned."

[1] When Paulinus was sent by Pope Gregory as a missionary to England in 601, he bore a letter to Augustine, directing that York should be a Metropolitan See with twelve suffragans. The pall was not actually bestowed till more than twenty-five years later, and was designed for Paulinus himself. When it arrived, Paulinus had fled from York, in consequence of the anarchy following the death of King Edwin.

In Pat. 19 Edward II, m. 3, *in dorso*,[1] mention is made of a grant made by King Athelstan to the Archbishop for prisage in the Port of Hull.

And in the 33rd year of Edward I, in Parliament (Memorandum de Parliamento anno 33 Edw. I, fol. 104, B.W.) there was a petition exhibited by the Commander of St. John of Beverley that where "he ought, by his Bayly bearing of a little rod or verge, to make all summonses and attachments, within the fee of the said commandry, as well in the time of the vacancy of the Archbishopric as at other times; that yet the Guardian of the Temporalities of the said Archbishop doth now hinder him so to do." The answer was, "Let it be inquired in what state it was in the time of the Archbishop, and so let it be done."

It appears by the *Book of Domesday* that one of the five shires or divisions in the City of York belonged to the Archbishop. And there:—

"Terra Episcopi Eboracensis. Archiepiscopus habet in Patrickton, in Swyne, in Scireburne, in Ripon."[2]

Walter Gray,[3] an Archbishop here in the time of King John, purchased, in the year 1217,[4] two houses for his successors, the first Bishop-Thorp, or St. Andrew-Thorp, near the City of York, and the second a house near Westminster, being a house built by Hubert de Burgo, Earl of Kent, and given by him to the Predicant Friars,[5] in London, which he bought of them, and also gave to his successors, and called it York Place.[6] It was afterwards re-edified by Cardinal Wolsey. When the Cardinal was attainted in the praemunire[7] he

[1] This is a very incomplete reference. There are two parts for 19 Edward II. On mem. 3 there is no entry *in dorso*. The correct reference is Pat. 19 Edward II, p. 2, m. 13, *in dorso*. There is an earlier reference to this matter, Pat. 51 Henry III, m. 23.

[2] "Land of the Bishop of York. The Archbishop has land in Patrickton, Swyne, Scireburne, and Ripon," fol. 302. The exquisite Church at Patrington is dedicated to St. Patrick, hence the name. King Athelstan had a palace at Sherburn, which he gave with certain lands to the Archbishop of York. Archbp. Thoresby pulled down part of the palace, and used the stone in the building of York Minster. Later, the Sherburn estates were exchanged for lands at Cawood and Bishopthorpe.

[3] Walter de Gray was Archbishop from 1215 to 1255; King John reigned from 1199 to 1216. He was a favourite of King John, but not less of his son Henry III (1216-1272).

[4] This date is too early.

[5] The Dominicans, or Black Friars. Their first home in London was in Holborn, and afterwards near the confluence of the Thames and the Fleet, where their name still lives.

[6] Hollinshead, fol. 192.—T. W.

[7] An action in contempt of the prerogative of the sovereign, involving forfeiture; or the writ founded upon such an act.

made a feoffment thereof to King Henry VIII, and it is now called White-Hall,[1] and is part of the Palace of Westminster by Act of Parliament.[2]

Hexham (which Bede calls Augustald, the Romans Uxelodunum)[3] was given by King Egfrid to Saint Wilfrid in the year 675, that he might erect in it an episcopal see.[4] He built a gallant church there. And the King placed an episcopal see there, wherein sat seven Bishops.[5] But that dignity vanished in the Danish wars. But this manor or regality (for so it is called), continued in the Archbishop till of late. I find a proviso in the Statute of 27 Henry VIII, c. 24, that Edward, then Archbishop of York, and his successors Archbishops, and their Temporal Chancellor of the Shire and Liberty of Hexham, *alias* Hextoldesham, for the time being, and every of them, shall from thenceforth be Justices of Peace within the Shire and Liberty of Hexham. But by the Statute of 14 Eliz. cap. 13, Hexham, and Hexham-shire, are made and declared part of the County of Northumberland.

King Edward IV did, by Charter, in the first year of his reign, grant to William, then Archbishop of York, and his successors that they should have their proper prisons, or gaols in the towns and lordships of Beverley and Ripon, and power to assign Justices of

[1] Shakspeare alludes to this change in the name :—

> " Sir,
> You must no more call it York Place, that's past ;
> For since the Cardinal fell, that title's lost.
> 'Tis now the King's and called Whitehall."
>
> *Henry VIII*, Act iv, sc. 1.

[2] It was a royal residence from the time of Henry VIII to William III. The portion of the building still standing is utilised as a museum, library, etc., by the United Service Institution.

[3] Camden, *Brit.*, fol. 107.—T. W. General forms, *Augustaldia*, and *Uxelludamo*.

[4] Registro Episcopi Eboracensis, *Libro Grenefeild*, fol. 44, parte 1, where Honorius granted a pall to Thurstan, Archbishop of York, it is there subjoined :—

"Quod possessiones Eboracensis Ecclesiae in Ecclesia Sancti Andreae Hagustaldensis, Sancti Johannis Beverlaci, Sancti Wilfridi de Rippon, Sancti Mariae de Suwella, Sancti Oswaldi de Gloucestria in omnibus libertatibus et consuetudinibus integrae semper et quitae permaneant."—T. W.

Translation :—

" From the Register of the Bishop of York, *Grenefeild Book*, f. 44, part 1 That the possessions of the Church of York in the Churches of St. Andrew of Hexham, St. John of Beverley, St. Wilfrid of Ripon, St. Mary of Southwell, and St. Oswald of Gloucester, remain always complete and undisturbed in all liberties and customs."

[5] This See was founded in 678. There was a succession of thirteen bishops, the last, Tydfrith, dying in 821.



WHITEHALL, FORMERLY YORK PLACE, WESTMINSTER.

PAINTED IN 1689. TAKEN FROM A COPY IN THE CRACE COLLECTION.

Opp. p. 178.

Peace there, and Justices of Oyer and Terminer, and to have all the forfeitures, fines, issues, and amerciaments there: and that the Treasurer and Barons of the Exchequer should not make process against the Justices of Peace there for any estreats in their Sessions to be delivered in the Exchequer. This Charter, and the confirmation of it by King Henry VIII, in the 26th year of his reign, are enrolled amongst the Records of the Exchequer, Anno 26 Henry VIII.

But this point concerning assigning Justices of Peace, and Justices of Oyer and Terminer, is altered by the Statute of 27 Henry VIII, c. 24, by which it is enacted, that no person shall make Justices but the King. After this the Justices of Peace in these Liberties were, upon the desire of the Archbishop, appointed by the King's commission.

I shall crave leave to mention, by way of story only, a former question of precedency between this Archbishop and the Archbishop of Canterbury, which did arise at last into a great controversy, but it is long since settled, and so enjoyed, and so may it ever rest!

In the time of Henry I, in the year 1114, the heat was great between Ralph d'Escures, then Archbishop of Canterbury, and Thurstan, elected Archbishop of York, who refused to receive his consecration from him, or to make profession of obedience to him. The King deprived Thurstan, who complained to Pope Paschal. The Pope writes to the King on Thurstan's behalf. At Salisbury, a solemn assembly of nobles meets, but they could not end it, nor the Council at Rheims,[1] where complaint was also made. At last, the King and the Pope meet,[2] and Thurstan was afterwards admitted, but it was for fear of the Pope's bull.[3]

The like happened in the year 1177 in the time of Henry II. The Archbishop of Canterbury would not admit him of York to bear a cross before him in the Province of Canterbury, nor the Archbishop of York suffer him to bear a cross before him in the Province of York. For the first see Hoveden, and for the latter, 5 Rich. I, A.D. 1194, at the Parliament at Nottingham, Hollinshead, f. 142. Cardinal Hugo, the Pope's Legate, came to England. At a meeting of all

[1] Pope Calixtus II consecrated Thurstan at Rheims on October 20th, 1119. The *Saxon Chronicle* says, "Because he received consecration from the Pope, against right, and to the prejudice of the See of Canterbury, and against the King's will, Henry wholly forbade his return to England."

[2] They met at Henry's castle of Gisors, near Rouen. No agreement was made. Neither King nor Pope would grant any concessions to each other in the matter.

[3] Thurstan was welcomed at York by enthusiastic multitudes of people of all ranks, and was enthroned three days after his arrival.

the Bishops at Westminster the Bishop of York came first, and placed himself on the right-hand of the Legate. When Canterbury came, York would not yield the place. It came to blows.[1] I shall not determine who had the better cause, nor did the noble Cardinal stay to decide it, for he ran away from the place. But, as the story mentions, York had the worse in the fray, for Canterbury was the stronger.

This controversy was afterwards, for Canterbury was to be *Primate of All England:* and York *Primate of England.* This was not so in the beginning, for I find by several stories, that by Pope Gregory's institution, he, of the two Archbishops, who was first consecrated, should have precedency of the other. And it appears ex Registro Archiepiscopi Ebor., *Libro Grenefeild*, fol. 44, parte I, in the grant made by Pope Honorius (II) unto Thurstan, Archbishop of York, and his successors, of a pall, where are the words: "Antiquam hanc Eboracensis Ecclesiae dignitatem integram conservari Auctore Deo cupientes, authoritate Apostolica prohibemus, ne ulterius aut Cantuariensis Archiepiscopus professionem quamlibet exigat aut Eboracensis Cantuariensi exhibeat, quod penitus a beato Gregorio prohibitum est. Sed ista inter eos honoris distinctio imperpetuum conservetur, ut prior habeatur qui prior fuerit ordinatus."[2]

Answerable whereunto I find that at a council held at London, in the time of King Edred, in the Nativity of the Virgin Mary, in the year of grace 948, there being present Wulstan, Archbishop of York, Odo, Archbishop of Canterbury, and other Bishops, Abbots, Dukes, and Earls, etc., the Archbishop of York subscribed in the first place :—

"Ego Wlstanus Archiepiscopus Eborum subnotavi.
"Ego Odo Dorobernensis Archiepiscopus assertavi."

And then, a little after, thus :—

"Ego Edgarus totius Albionis Basileus.
"Ego Dunstanus Dorobernensis Archiepiscopus.
"Ego Oswaldus Eboracensis Ecclesiae Archiepiscopus."

[1] The event was disreputable enough, but the story, told in Fuller's inimitable style, is almost entertaining.—Fuller, *Church History*, Book III, pp. 38-9.

[2] ". Desiring that (with the authority of God) this ancient dignity of the Church of York be preserved in its entirety, we forbid with apostolical authority that from henceforth either the Archbishop of Canterbury exact any profession [from the Archbishop of York] or the Archbishop of York yield any to the Archbishop of Canterbury (which is altogether forbidden by the Blessed Gregory); but this distinction of honour shall be for ever preserved between them, that he who shall have been first ordained shall be held the greater.'

COINS OF THE ARCHIEPISCOPAL MINT, YORK.

(See Appendix No. 9.)



EGBERT.



EANBALD.



WULFERE.



WIGMUND.



WULFERE.



COIN SHEWING QUATREFOIL IN THE CENTRE OF THE CROSS,



PETER PENCE.



ENCLOSING A PELLET, ON THE REVERSE.



THOMAS ROTHERHAM.



CHRISTOPHER BAINBRIDGE.



THOMAS ROTHERHAM.



EDWARD LEE.



THOMAS WOLSEY.



EDWARD LEE.

The insertion of the name WILLIAM, in the excerpt from the Close Rolls, on the opposite page, is an error. The words of the roll are, "ven'abilē p'rem W. Ebor. Archiep'm." The abbreviation W. refers to WALTER GRAY. There are two rolls for 2 Henry III. The entry quoted is on *pars secunda.*

Opp. p. 181



The Archbishop had a mint or two in this city.[1]

Claus. Rot., 2 Henry III, m. 6: "Rex vicecomiti Eborum salutem: Mandamus tibi firmiter praecipientes quod facias venerabilem patrem nostrum Dominum Willielmum Eborum Archiepiscopum bene et libere habere cuneos suos monetae nostrae in civitate nostra Eborum sicut praedecessores sui Archiepiscopi Eborum melius et liberius habuerunt."[2]

And a writ of the like nature was directed to the Mayor of York, *mutatis mutandis.*

An *Inspeximus* Chart. Rot., 3 Henry V, No. 15: Amongst the Pleas *Quo waranto* held at York before John de Metingham[3] and his companions, in the 8th year of Edward I,[4] a *Quo waranto* was brought against William, Archbishop of York, for that he claimed to have 2 mints for coining of money within the city of York, without the King's licence. To which the Archbishop pleaded that he and his predecessors had been in seisin of these 2 mints time out of mind. And further said that in the time of King Henry, son of William the Conqueror, one Odo, sheriff of Yorkshire, did hinder one Gerard, the Archbishop of York, from holding pleas and giving judgment in his *Court de monetariis.* The Bishop complained to the King and shewed his seisin, and the right of the Church of St. Peter. Whereupon the King did send his Letters Patent to the Sheriff, the effect of which was to will and command him that Gerard, Archbishop, in the lands of his Archbishopric, should have pleas in his own *Court de monetariis suis*, as of thieves and of all others as Thomas, Archbishop, had in the time of his father or brother, and that he should execute the King's new statutes of judgments or pleas of thieves and false coins, and "that he may do this by his own proper instance in his own court, and that neither he nor the Church

[1] See Appendix, No. 9.

[2] "The King to the Sheriff of York, greeting. We command and strictly charge you to cause our venerable father, Lord William, Archbishop of York, to have well and freely his own coins of our money in our city of York, as his predecessors the Archbishops of York have had better and more freely."

[3] John de Metingham was King's Serjeant in 1275 (3 Edward I); Just. K.B., 1276: C. Just. C.P., 1290. He died in 1301. He and Elias de Beckingham were alone found uncorrupt in the administration of justice in the exposure of the Bench by King Edward in 1289. This explains Metingham's promotion the following year.—Foss, *Judges of England*, vol. iii, p. 131.

[4] This record of 8 Edward I is in the custody of the Chamberlains of the Exchequer marked thus: "J. de Vallibus: Placita de Juratis et Assisis ibidem in crastino S. Mich. A° Regni Regis Edwardi octavo, incipiente nono." Rotulus placitorum, Quo waranto, Jo. de Vallibus, Rot. 9.—T. W.

shall lose anything by our new statutes, but let him do in his own court by his own instance according to our statutes. Teste R. Cestriae Episcopo, apud Winton." And the Bishop said that he and his predecessors had had the said mints as he claimed them. Issue was joined upon this. And the jury found for the Bishop. And the judgment was given that the Bishop should be without day.

Many other liberties of the Church of York are also mentioned in this Inspeximus of 3 Henry V, No. 15.

The *Quo Waranto*, of 8 Edward I, goes farther, to know by what warrant he claims to have gallows, return of writs, estreats, pleas of withernam, and his proper coroners, within the City of York, and without, and to have coroners on each side of Hull, and to take prizes in that river, and to have the assize of bread and beer, broken wreck of sea, and waif at Patrickton, and to have free-warren, and his land quit from suit in Wilton, Beverley, and Burton, and elsewhere in his lands in that county, and to have a free-warren, and his lands quit from suit at Beverley, Burton, Wilton, Ripon, Otley, Shireburne, and Thorp, and to have a park and free-warren at Cawood.

To which the Archbishop said, that as to the gallows he claimed them in his Baronies without York, Shireburn, Wilton, Patrickton, and Otley time out of mind. At Beverley and Ripon by this warrant, that King Athelstan gave the said manors to the Archbishop of York, and his successors, before the conquest, from which time all the said Archbishops of York had enjoyed the said liberties. And that afterwards King Henry I, the son of the Conqueror, did amongst divers other liberties grant to the Archbishop infangthef in the aforesaid lands by his Charter, which he produced in court. And did claim return of writs, and pleas of withernam, in Beverley and Ripon, with their members, and the taking of estreats by the hand of the Sheriff for the levying of the King's debts upon those persons who had nothing without his liberty. And this they have used time out of mind. And as to the coroners within the City of York, he said he claimed none.

This I have by Charles Fairfax, Esq., who told me he had it from Toby Matthew, the famous Archbishop of York.[1] "The Archbishop of York claims to have by the grant of King Athelstan, and the confirmation of other kings his successors, soc, sac, toll, them, a market every Thursday, assize of bread and ale, and of weights and measures, and the emendals of the pillory, tumbrell, thief wheresoever he be taken, infangthef, outfangthef, judgment of iron and water, gallows, gibbet, prison, gaol-delivery, his own coroners, goods and chattels

[1] See p. 142.

of felons and fugitives, chattels owned by felons, wreck, waif, stray, merchet,[1] lieth commonly called blodwit,[2] his own court, cognisance of false judgment, and of all manner of pleas wheresoever moved by his burgesses and tenants among themselves, to do justice to the parties in his court, and do in all process as the justices of the King and to make execution by his bailiffs, to have pleas of freshforce, and *de vetito namio*, to make inquisitions of felonies and robberies, and termination of sheriffs, and to do all that belongs to a sheriff before his bailiffs. That the archbishop and the tenants of his soc, wheresoever they reside, be free and quiet from suits of assize, county, wapontack, trithing, geld, and from performance to the King, and from tollage, portage, passage, pannage, throughout all the dominion of the King, and that he hath his fair twice in the year. He claims to plead in his court by his own justices in the presence of one or two of the justices of the King, all pleas of the Crown, as others which arise within his liberty."

And King Henry did grant and confirm that neither his Steward nor Marshall of his House, nor his Clerk of the Market, nor his deputy, shall enter within the bounds of the liberty of the Archbishop.

King Athelstan's Grant. "In Nomine Sanctae et Individuae Trinitatis[3] Adelstanus Rex Dei gratia Anglorum omnibus hominibus suis de Eborasira et per totam Angliam salutem: Know you that I do confirm to the Church and Chapter of Ripon their peace and all their liberties and customs. And I grant to them the court of all suits, and in all courts of the men of Saint Wilfrid, for them and their men, or against them, or amongst themselves, *vel quae fieri possunt:* And their judgment for free mortell:[4] And that their men

[1] Merchet = a fine paid by a sokeman or villain for licence to give his daughter in marriage.

[2] Blodwit = a fine for drawing blood (wyte = foris-factura, or fine).

[3] Often written thus:—"i . n . D . ꝺ s . ꝺ i . T ." "In the Name of God and the Sacred and Undivided Trinity."

[4] Freed mortell, or frodmortell = free pardon for manslaughter or murder.

Chairs of stone were erected with this inscription, "Haec sedes lapidea Freedstol dicitur, id est, Pacis Cathedra, ad quam reus fugiendo perveniens omnimodam habet salutem."—T. W.

In several of the churches in England, to which the right of sanctuary was granted, a stone seat was placed beside the altar, for those who sought the protection afforded by the sacred place. This *Freed Stool* still exists at Beverley and Hexham. Camden and Leland refer to the inscription above quoted, but it has long since disappeared. For *salutem* at the end of the inscription *securitatem* is generally read (see p. 203). There is an excellent tract on *Sanctuary* by the Rev. Samuel Pegge in *Archaeologia*, vol. viii, pp. 1-44; see also *Monasticon* ed. 1819), vol. i, p. 128, note *c*.

be believed by their yea and by their nay:[1] And all their lands which they have, or shall have, and all their men so free that neither the King of England nor his ministers shall have or do anything within the land or soke of the Chapter.

"These witnesses,

"T.[2] Archbishop of York.

"P. Commander or Provost of Beverley."[3]

Carta Adelstain Regis concess. Archiepiscopo[4] Eborum pro libertatibus infra Inrhypun[5] vulgo Rippon in comitatu Eborum :—

"Witten all þat is, and is gane
That Ic Kinge Athelstane
Has giffen als freelish as Ic may
To kirk and chapell of Wilfray,
Of my free devotion,
Þar peese at Rhypun
On ylk side the kirk a myle
For all ill deeds, and ylk agyle.[6]
And within the kirk yeate
And on the stane that Girstol height
Within the kirk dore and the where
Þhay haþ þar pees for less and meare.
Ylken of these steds
Sall ha peas of freed mortell and yll deeds
Þat wiþouten it don is. Toll, Them,
Soc, Sac, with iron, and with water deme,
And do wrack. And all the lands of Saint Wilfray
Of ilken gild free sall bene ay.
And Ic ne ha nane that langs me to
In þar[7] Harshap sall haf at doe.
And for Ic would þat þay bene safe
Ic will þat þay ylken freedom haf
And in all things be als free
Als hart ma think, or egh ma see,

[1] "Fidelis sermo pro juramento est."—T. W. [2] *Sic.*

[3] See *Mon. Ang.*, ed. 1819, vol. ii, fol. 133, num. VI.

[4] See *Mon. Ang.*, vol. ii, fol. 133, num. v. [5] So given by Bede.

[6] Glossary.—gyle: an act of treachery; Girstol: grithstool, *i.e.* (A.-S.), the stool of protection; height (hate): benamed; sted: a place, a position; deme: judgment; bene: to be; ay: for ever; langs (langez): belongs; at: to (prefix to a verb); egh: eye; puyar: power.

[7] Dukedome.—T. W. *Mon. Ang.* has Herpsac = immunitatis locus.

At þe puyar of a King
Þat must ma make free ani thing.
And my sele haf Ic set þarto
For Ic will that na man this gift undo."

This charter is in rhyme. The age before, and the time about the Norman Conquest, as Mr. Selden observes, was much affected to rhyming charters (vide *Titles of Honour*, fol. 303).[1] In this short charter, which you have in the proper dialect, are contained many great and large privileges.

In the 12th year of King Edward I, when William Wickwaine, Archbishop of York, went to Rome, the King did grant that such person as he should appoint to supply his spiritualities might excommunicate persons within the diocese and certify their names into the Chancery, that thereupon process might be made against them (Rot. Parl. 12 Edward I, m. 6).

And in the 34th year of Edward I, when the King went into Scotland, he made William, Archbishop of York, and Walter, Bishop of Coventry and Litchfield, *Custodes Angliae dum Rex in Scotia movatur* (Rot. Parl. 34 Edward I, m. 15).

He was taxed as well in Spirituals as Temporals to the sum of 2,000 marks, and for the Bedern of Beverley and the Church of Kynaldstowe in the county of Nottingham (Claus. anno 12 Edward II, m. 2; et in 4; de libertate sua in villa Beverlaci de gaola deliberanda, etc.).

He claimed a passage over the river of Hull where there used to be a bridge (Fin. 17 Edward II, m. 25).

He hath his port or haven, and prisage[2] of wines in the river of Hull, and of all merchandise there coming as the King hath elsewhere (Pat. 19 Edward II, m. 13[3]—De inquirendo de libertate concessa olim per Regem Athelstanum, et alios pregenitores Regis de prisis vinorum in portu de Hull eodem modo quo Rex capere debet et solebat in aliis locis; et 4 Edward III, No: 41—Petitio in Parliamento apud Westmonasterium pro hac libertate; et Claus. anno 1 Edward III, p. 1, m. 11, et p. 2, m. 18).

There was a question moved before the King's Council between the Archbishop and the Mayor and commonalty of the city of York which of them should have the custody of a place called the Old Baile[4]

[1] See Appendix, No. 10. [2] The custom or share that belongs to the King.
[3] Secunda pars, *in dorso.*
[4] In old registers, in the accounts of the constableries of the city, and their proper officers, this is left for the nomination of the archbishop—*vetus ballium in*

against the assaults of enemies (Claus. anno 1 Edward I, m. 17; et Claus. anno 1 Edward III, p. 2, m. 27, *in dorso*).[1]

He had view of frank-pledge,[2] pleas of withernam, return of writs, quittance from sheriffs'-turns, and from presentments at the hundred, of hue and cries levied in his manors of Southwell, Lathom, Scroby, Sutton, Askham, and in the members of them which are of the Barony of Shireburne (Pat. 51 Henry III, m. 7 *in dorso*).

A grant was made to him of a certain piece of land near his palace in the city of York, for the enlargement of his palace (Pat. 52 Henry III, m. 4, et in sedula pro libertatibus confirmandis).[3]

He had *Jura Regalia* within the liberty of Hextoldesham and the levyings of the Tenths and Fifteenths there by his own ministers (Claus. anno 13 Edward III, p. 2, m. 34).

He had lands in the county of Nottingham, described by bounds,

custodia archiepiscopi, Ebor. How it came from a state fortress to be the archbishop's prison is uncertain.

From an old register we learn—1326, 1 Edward III—a dispute arose betwixt the citizens and William de Melton, then archbishop, which of them were obliged to repair the walls round this place. The cause was heard before Isabel, the queen-mother, at that time resident in the archiepiscopal palace at York, in council, where Nicholas Langton, then mayor of the city, alleged that this district was the express jurisdiction of the archbishop exempt from the city, and therefore he ought to keep up the fortifications of it. The archbishop pleaded that it stood within the ditches (*infra fossatas civitatis*), and therefore belonged to those who repaired the rest. Upon hearing, it was given against the archbishop, who was obliged to repair these walls.

The site of Old Baile, and the district extending towards Ousebridge, is still called Bishophill. It is uncertain how, or when, the church gave it up to the civil magistrate, for at present it is part of the possessions of the lord mayor and commonalty. The area of this old castle was afterwards enjoyed by the citizens for sports and recreations. (Drake.)

[1] The first reference to the Rolls is an error. In the second, for *m. 27* read *m. 17*.

[2] The ancient custom of freemen of England, for the preservation of the public peace, was that every free born man at fourteen years of age (religious persons and a few others excepted) should find surety for his truth toward the King and his subjects, or else be kept in prison: whereupon a certain number of neighbours usually became bound one for another to see each man of their pledge forthcoming at all times, or to answer the transgression committed by any gone away, so that whosoever offended, it was forthwith enquired in what *pledge* he was, and then they of that *pledge* either brought him forth within thirty-one days, or satisfied for his offence. This was called *frank-pledge*. This custom was so kept that the sheriffs at every county court, from time to time, did take the oaths of young ones, as they attained the age of fourteen years, and see that they were comprised in some *dozen*. Whereupon this branch of the sheriff's authority was called *Visus franci plegii*—view of frank-pledge.

[3] Sir Thomas also quotes Pat. 52 Henry III, m. 32, which is incorrect.

without the bounds of the forest, and had liberty to hunt by all the wood of Blyworth (Pat. anno 55 Henry III, m. 13).

He had return of writs, goods and chattels of felons, treasure trove, wreck of sea, waif and stray, and other liberties granted unto him (Chart. Rot. 1 Edward IV, p. 2, No. 13).

He had a market and a fair at his manor of Otley, and a market and a fair at Shireburne, and a market and a fair at his manor of Patrickton, in the county of York, and a fair at Southwell, in the county of Nottingham, and a fair at Hextoldesham in the county of Northumberland (Claus. anno 11 Henry III, m. 10).

All the collations to the vicarages in the county of Northumberland, did belong to this Archbishop in the vacancy of the Bishop of Durham (Escheat. 12 Edward I, No. 61).

He did exercise the jurisdiction of a visitor in the college called Queen's Hall, in Oxford (Pat. 12, Henry IV, m. 19).

He had his prison and justices in the towns of Ripon and Beverley, and other great liberties there (Pat. 7 Edward IV, p. 1, m. 13).

He had a most ample charter of confirmation of all his charters, liberties, privileges, and gifts. They are too large for my enumeration (Pat. 20 Henry VI, p. 4, m. 11).

The words *homines sui* in the Bishops' charters are to be understood *tam de liberis tenentibus quam de nativis* (Pat. 10 Edward II, p. 2, m. 3).

De libertatibus allocandis etc. de non hospitandis extraneis in aedibus et de aliis quietanciis et libertatibus (Claus. anno 15 Rich. II, m. 2 ; et Claus. anno 6 Rich. II, p. I, m. 19).

That it may not turn to the prejudice of the Archbishop that some of the King's household were lodged in his houses against the tenour of his privileges (Pat. 4 Henry IV, p. 2, m. 13 ; et 9 Henry V, p. 1, m. 26).

The turbery[1] called The Hay[2] of Langneth was heretofore granted by the Prior of Wartre unto the Dean of York, and an assize was brought thereof against the Archbishop of York (Brevia Regis,[3] 1 Richard II, No. 14).

There is another ample confirmation of the Charters and privileges of this Archbishop (Pat. 3 Edward IV, p. 2, m. 3 ; et 6 Henry VI, p. 2, m. 3).

I mention but some of many grants made unto this Bishop :

A house in Battersea granted unto him *ad fabricam ecclesiae manutenendam* (Pat. anno 16 Richard II, p. 2, m. 19).

[1] Turbery = undrained or boggy ground. [2] Hay, or Haw, *i.e.*, an enclosure.

[3] This does not appear in the Assize Rolls. *Brevia Regis* is an old form of reference, not now in use, and cannot be identified.

The church of Misterton appropriated unto him *pro sustentatione fabricae et luminarium ecclesiae predictae* (Pat. anno 20 Richard II, p. 2, m. 3; et anno 12, p. 1, m. 27).

The Bishop and the Dean and Chapter had, for the maintenance of the fabric of the church, which were called "The Fabric Rents", Langneth Woods, and other possessions.

Whitehall was anciently parcel of his possessions, and was called York Place; but by an Act of Parliament in the 28th year of King Henry VIII, it was made parcel of the King's Palace at Westminster (anno 28 Henry VIII, cap. 12, entitled "An Act of Parliament declaring the Limits of the King's Palace of Westminster").

A devise made unto him by William Hanyngham for the term of xxiv years of a messuage called Millery Hall[1] in the street Staynegate[2] in the city of York (Pat. anno 50 Edward III, p. i, m. 40; et anno 51, m. 8).

II.—I am now come to the second part which I propounded for this chapter.

Mr. Camden, and most of our late and more ancient English historians, take it for a truth that this Archbishop had power over the Bishops of Scotland, and that they ought[3] obedience to him. And I incline to this opinion. Yet in regard the historians of Scotland[4] are of a contrary opinion, and for that this superiority was not enjoyed without some opposition, the nation of Scotland for some time opposing the Pope, who usually had his hand in all affairs, interposing for the most part, therefore I shall in this give you the story of this superiority, by acquainting you with what antiquities and histories I have met withal on the one side and the other. And though the question seem not unlike the game of the Scottish and English, I shall carry it on according to the truth of the matter; in fact, as it doth appear to me, as well out of the Scottish as English stories —*non partis studiis agimur.*

[1] *Sic.* Mulbery or Mulbury-Hall (part of the prebend of North-Newbald) anciently stood on the east side of Stonegate, towards Grape Lane. The devisor's name is Honyngham, or Hovyngham. For *m. 40* read *m. 24.*

[2] Stonegate, anciently Staynegate, fronts the south transept door. It is said that this name was given to it because of the vast quantity of stone led through this street for building the cathedral.

[3] Ought is used here in the sense of to owe (A.-S.). Becon has "A certain King, which, when he called his servants to accompt, had one brought unto him which *ought* him ten thousand talents."

[4] In *Libro de Homines*, a book written by a learned Scotchman, G. Buchanan Hector Boëthius.—T. W.

I shall first begin with the Pope's bulls and letters in this case, which were in the Archbishop's Records at York. I confess I have not seen the things themselves, but only some extracts out of them.

(1) Inter Archiva Ecclesiae metropoliticae Eborum, p. 1, f. 21 (there is) a bull of Pope Calixtus to all the Bishops of Scotland to give obedience to the Metropolitical Church of York.

(2) The Pope's letters of the subjection of the suffragans, which seem to be Durham and Scotland.

(3) A letter of the King of the Scottish Isles that his Bishop should be consecrated of the Archbishop of York. This was *Comes Insularum* or *Orcadum*.

(4) A bull of Calixtus II about the contention of the Primacy.

(5) A letter of Pope Calixtus II, directed to the King of Scots, that all the Bishops of Scotland should be consecrated by the Archbishop of York.

(6) A letter of David, King of Scots, *De subjectione episcopi Candidae Casae*, which is Whithern or Galloway.

(7) A letter of the Pope directed *Episcopo Candidae Casae.*

(8) Pope Clement III, in a letter to the King of Scots, concerning the subjection of the Churches of Scotland to the Archbishop of York, doth declare that the Scottish Church, being a special daughter of the See Apostolic, ought immediately to be subject to it, and ordains the same, and threatens the offenders with many maledictions.

(9) At the council held at Northampton in the year 1176, William, King of Scots, did, by the command of King Henry II of England, resort thither with the Bishop of St. Andrews and other Bishops and Clerks of Scotland. And there, King Henry II of England commanded them, by the faith they did owe unto him, that they would perform that subjection which they ought and wont to do in the time of his predecessors, Kings of England. To which they answered that they never did nor ought subjection to the Crown of England. Roger, Archbishop of York, replied that the Bishops of Glasgow and Whithern were subject thereunto, in the time of his predecessors, as he could show by several bulls and privileges from the Pope.

I have this out of a Scottish MS.,[1] which I rather follow than the

[1] This is abstracted from John Fordun, who probably died about 1384. His works are *Chronica Gentis Scotorum; Gesta Annalia;* and certain notes or materials preserved in some of the MSS. Fordun's Chronicle was continued by Walter Bowmaker or Bower, Abbot of Inchcolm, who died in 1449. The *Scoti-Chronicon, sive Scotorum historia*, was printed by Gale in *Rerum Anglicarum Scriptorum Veterum*, vol. iii, pub. 1691—about thirty years after Sir Thomas Widdrington had completed his work. It was again printed by Hearne in 1722

English historians in this particular, because I would not do this noble young priest any wrong in the relation. At this Northampton Council, in the year 1176, in the time of King Henry II of England and William I of Scotland, there were present, as also both the Archbishops, the clergy of both nations. One, Gilbert, a noble Scotch priest, being touched with some words that were spoken against the Scotch Kirk, grew as red and hot (as the Scotch story saith) as iron in the fire. And when he stood up in that great council, some of the English whispered that his face was of brass, and said amongst themselves that the young Scot had taken pepper in the nose. But he, with an undaunted spirit and countenance, broke out into an oration to this effect in his own language, but rendered here in substance in the English dialect:—

"Most noble Kings, most Reverend Fathers, and Honourable Lords! And because you are really so, I may justly be charged with rashness, folly, and presumption to speak in this matter, which is so weighty, and before you who are so great, and wise, and learned. The matter indeed doth as much transcend the narrow limits of my knowledge, as your fatherhoods doth me in knowledge, years, and experience. I am conscious to my self that I may seem to be arrived at the same degree of folly that he was in, who adventured to speak of seats of war before Hannibal. And I am sensible that whilst I speak I stand upon English ground in Northampton, the very navel and centre of England, and yet I must go upon Scottish principles. I see all these disadvantages, and there be others which peradventure I see not, yet speak I must, for who can be silent when the rights of his native country, his dearest Ithaca, are in question?

"O noble nation of England! must all the Kirks of Scotland be subjugated to that of York? This you can never do by solid arguments, set aside your strength of arms, and the fullness of your coffers, in which you too much confide. You will find by good and ancient records and evidences that the Church over which you would rant and domineer is more ancient than your own, nay, the mother of yours! It was this Church which first reduced your Kings, Princes, and people to the Fold of Christ, that washed them first in the laver of Baptism, instructed them in the commandments of God; nay, did consecrate and ordain your Bishops and Priests for the space of 30 years or more, and had the Primacy of all Churches north of Humber

(5 vols). There is a modern edition by W. F. Skene in *The Historians of Scotland*, pub. 1871. It would serve no useful purpose to discover the particular MS. used by Sir Thomas. There is a MS. of *Scoti-Chronicon* in the British Museum (Royal Library, 13 EX). There Fordun is described as *capellanus ecclesiae Aberdonensis.*

as your own Venerable Bede confirmeth. What retribution are you framing[1] to us? Will you make us your slaves who have been your spiritual guides and saviours? We expected grapes from you, but they are very sour ones which you would obtrude upon us! We might justly have expected justice, and we hoped for righteous judgment, but the wormwood of injustice is appearing! What gratitude is it to requite all our favours with injuries? The more we have given the more we are hated. He that loads another with bounty makes him his greater enemy. We may, as King David formerly, complain that you render unto us evil for good and hatred for our good will. You now endeavour to take that from us which is our due, and to impose that upon us which is not yours. I am a real tribune of the liberty of the Scotch Church. And if all the clergy of Scotland should be of a contrary opinion, yet I shall hold mine, and would be a dissenting brother. I do here instantly appeal to the Pope, to whose precepts only the Church of Scotland is subject. I would, if occasion required, submit my head to the block in this question and become a martyr. I do not think it fit, nor consent that we consult further in this business. It is the plainest and most honest course to give a very quick denial to unjust demands that we may not deceive the expectations of them who would subjugate us!"

When Gilbert had concluded this passionate and confident oration, the Englishmen spake variously of him amongst themselves. Some said he was a bold and impetuous Scot. Others said that he spake for his country, and *Decorum est pro patria loqui.*[2] Roger, Archbishop of York, whose particular cause this seemed to be, put an end to the Assembly, and, laying his right hand upon the head of Gilbert, with a pleasant countenance, though much displeased, said, "Well shot, Sir Gilbert! But these arrows came not out of your own quiver!" Gilbert went home. William, the King of Scots, did make him Chamberlain or Chancellor of Scotland, and afterwards Bishop of Caithness.[3] And he was after his death reputed a saint.

The Scottish history layeth the burthen of this question upon this Roger, then Archbishop of York, being puffed up, as they objected, with pride, for that he was used in the coronation of the young King, in contempt of his primate, as they called him, Thomas Bishop of Canterbury, that he thought all was not well unless he could command the Kirks. Thus far goes that history.

[1] Framing, a Northern word, meaning to attempt.

[2] "It is befitting to speak for one's country."

[3] This is not likely to be true. The council which Gilbert addressed was held 1176. St. Gilbert, the Bishop of Caithness, did not die till 1245.

(10) In the meantime, by the death of the Bishop of Glasgow, one Angelram was elected into that see, and consecrated by Pope Alexander III, which the said Roger took not well, for he, relying upon the help of his young Henry, gaped at the superiority over all the Bishops of Scotland. Having clancularly gained a legation from the Pope, he came in great pomp to the castle of Norham-upon-Tweed, and sent to the Bishops of Scotland to wait upon him as the Pope's Legate.

Angelram, a bishop elect, and the King's Chancellor, did take this in foul scorn, and being assisted by some of his brethren of Scotland spake boldly to the Legate, "Why do you so presume upon your clandestine honour to usurp upon us?" And they fell into a hot debate. But the Scots at last appealed to the Pope. And after, Angelram was consecrated by Pope Alexander III. I will give you the words of the Scotch historian: "Ad confusionem maximam Anglorum et ad Scotorum gloriam inestimabilem."[1] For I am resolved to carry myself swimmingly in the controversy between the two seas.

"Andreas Petrusque mihi discrimine habentur
Nullo."[2]

(11) Pope Innocent III writes in a letter to William, King of Scots, according to the example (so he writes) of his predecessor, Pope Celestine III, wherein he declares that the Scottish Church, a special daughter of Rome, was and should be immediately subject to the See of Rome, and concludes with a curse against the infringers. This is the like bull, at large, of Pope Celestine in writing, also with a curse. This bull was granted in the year MCC.

(12) It appears by the Pope's letters, written to King Edward I of England, that the Archbishop of York did claim to be Metropolitan over the Prelates of Scotland, but could never obtain any sentence for him therein. In answer whereunto, King Edward I did write amongst other things, that "in the 20th year of King Henry II, William, King of Scots, began to rebel, came with a great army into Northumberland, and committed great outrage and spoil there. The knights of the County of York did come and oppose him, and did take him prisoner at Alnwick, and sent him to King Henry. And afterwards at York, 17th of the Kalends of September, by the grant of the Prelates, Earls, Barons, Lords, and other great men of Scotland, did recognise by Letters Patent unto his liege lord, Henry, King of England, the son of Maud the Empress, that he, his heirs and successors,

[1] "To the greatest confusion of the English, and to the inestimable glory of the Scotch." [2] "Andrew and Peter are esteemed by me with no difference."

Kings of Scotland, the Bishops, Abbots, Earls, Barons, and such other men of Scotland as King Henry should desire, should do unto the King of England fealty and allegiance as to their liege lord, against all men. And in token of that subjection, the same King William did offer scabellum, lance, and saddle upon the altar of the Church of St. Peter at York, which there remain, and are preserved to this day. And the Bishops, Abbots, Earls, and Barons of Scotland *conventionaverunt*, as the word of the history is, did covenant and agree with King Henry and Henry his son, that if the King of Scotland should recede from this convention, they would hold it with the King of England as with their liege, against the King of Scotland till he should return to his fidelity."

This composition Pope Gregory IX did, in divers letters written to the Kings of England and Scotland, command to be firmly observed. In these letters are also contained that William and Alexander, Kings of Scotland, did their liege homage and fidelity to John and Henry, Kings of England, and that the King should do his homage accordingly.

(13) Pope Clement IV, writing to the King of England for John, Bishop of St. Andrews, who was expulsed out of his bishopric by the King of Scotland, says that he should admonish and draw him, and, if need be, compel him by his legal distress, that he may remit all rancour to the Bishop, and permit him to enjoy his bishopric in peace.

After this convention, the relation whereof is taken out of the Scottish story before mentioned, the King of England, the King of Scotland, and David his brother, the Bishops, Earls, and Barons, did in the Church of St. Peter at York swear to observe it. And, after William, King of Scots, came, by the command of the King of England, to the meeting of Northampton, as before shewed.

In pursuance of this, in the 4th year of King Edward I, William, King of Scots, did write to the Pope in this manner :—

Ex *Registro de Giffard*, fol. 116 :—"Reverendissimo Domino suo et Patri A[driano] summo Pontifici W[illielmus] Dei gratia Rex Scotiae salutem et devotam reverentiam. Noverit Excellentia vestra quod de subjectione Ecclesiae Scotiae, quam Eborum Ecclesia antiquo jure sibi vendicat, tam ex scriptis autenticis quae inspexi quam ex relatione et testimonio virorum antiquorum et juridicorum diligenter veritatem investigando comperi, quod antiquis temporibus ad Eborum Ecclesiam de jure pertineat, et quod possessionem ejus hostilitate et potentia Regum praedecessorum meorum amiserit. Sed jam per gratiam Dei inter Dominum meum Regem Angliae et me pace imperpetuum reformata, suppliciter postulo quatinus Domino meo Regi et regno suo et Eborum Ecclesiae praedicta[m] possessionem et sub-

jectionem vestra auctoritate omni occasione et appellatione remota, restitui et redintegrari praecipiatis. Nec sine maximo damno meo et terrae meae detrimento deteriorari potest quin ita fiat, quoniam pace reformata inter Dominum meum Regem et me convenit et illud idem juramento firmavi. Scio enim quod in maximum dampnum animarum nostrarum redundaret, si id quod pro certo scimus competere debere, effectui non manciparetur. Valeat semper Sanctitas vestra."[1]

But being resolved to conceal nothing in this cause, on either side, I shall tell you that I have seen a tractate in Latin,[2] written by a learned Scotchman, in the reign of Queen Mary or James VI of Scotland. It is intituled thus: *De Hominio disputatio adversus eos qui Scotiam foedum ligeum Angliae asserunt;*[3] wherein he handles this present question rhetorically and sharply, and he flatly denies this superiority of the Archbishop of York, and inveighs stoutly against Geoffrey Monmouth, H. Huntingdon, Malmesbury, Hoveden, Mathew Paris, Mathew Westminster, Florence Worcester, Thomas Walsingham, and Hollingshead. I forbear to relate his arguments, because they are long, and most of them are otherwise named in this chapter.

I shall also acquaint you with what I have by the help of a worthy friend out of Benet[4] College Library, in Cambridge.

[1] "To his most reverend Lord and Father A[drian], the Supreme Pontiff, W[illiam] by the grace of God King of Scotland, greeting and devout reverence. Be it known to your Excellency that by diligently seeking out the truth concerning the subjection of the Church of Scotland, which the Church of York claims for itself by ancient right, as well from authentic writings, which I have examined, as from the relation and testimony of men of ancient times and learned in the law, I have found that it belonged by right in ancient times to the Church of York, and that it (viz., the Church of York) lost possession of it through the hostility and power of the kings my predecessors. But now, since by the grace of God a perpetual peace has been re-established between my Lord the King of England and me, I humbly pray you to command with your authority that the aforesaid possession and subjection be restored and made whole again to my Lord the King and to his kingdom, and to the Church of York, without any hindrance or appeal. And the effect of this cannot be impaired without very great loss to me and damage to my land, since (peace being re-established between my Lord the King and myself) it both befits me [to fulfil it], and I have bound myself by oath to do so. For I know that it would redound to the utmost harm of our souls if that, which we know for certain is justly due, were not carried into effect. May your Holiness ever be well."

[2] MS. *De Hominio Disputatio* per Scotum Anonymum, c. 25 et 26, p. 183.—T. W.

[3] "A Disputation concerning Homage, against those who assert that Scotland is the Lawful Fee of England."

[4] Corpus Christi College, at times called Benet College, because of its nearness to the Church of St. Benedict. The manuscripts of Eadmer are preserved here.

The title is—inter opuscula Edmeri Cantoris[1]—*Epistola Nicholai*, quae sic incipit: "Electo per Dei gratiam in Sancti Andreae Cathedram Edmero suus Nicholaus."[2]

A little after the beginning he writeth thus:—

"De Eboracensis autem Ecclesiae Primatu super Scottos unde interrogasti, nulla est authoritas, nulla ratio vel exemplum patet quod hoc astruat, quippe cum Eboracensis Ecclesia fidem et doctrinam Christianitatis necnon et Pontificum consecrationem a Scottis saepenumero mutuaverit, Scotti vero ab ipsa nunquam praeter quod in Thurgodum actum est. Nam postquam Eboracenses a fide apostatantes primum Pontificem suum Paulinum a Cantia eis ordinatum expulerunt, Sanctus Aidanus Scottus et a Scottis destinatus et ordinatus fidem Christi fideique Sacramenta toti Northimbriae strenuus invexit; deinde ejus successores Eboracensis Ecclesiae Praesules usque ad quartum omnes a Scottis ordinati imbuti et illi Ecclesiae destinati sunt. Unus etiam ex eis propter suam indiscretionem inutilis illi Ecclesiae judicatus, ab ipsis Scottis depositus est. His omnibus Sanctus Beda attestatur in Historia Anglorum. Praesulem vero seu Doctorem aliquem Scottis destinatum vel ordinatum ab Eboraca nulla docet Historia nec etiam fabula praeter supradictum Thurgodum. Cesset ergo Eboracensis Ecclesia Primatum Scottiae sibi vendicando appetere, quem si haberet cum praesul Sancti Andreae summus Pontifex Scottorum appelletur, summus vero non est nisi qui super alios est, qui autem super alios episcopos est quidem Archiepiscopus est licet barbaries gentis Pallii honorem ignoret; si inquam super hunc qui summus vocatur Pontifex suae gentis, praelationem haberet praesul Eboracae, jam non tantum Metropolitanus, imo Primas esset alterius etiam Regni; quod nusquam legitur."[3]

[1] *Sic*, for Cantuariensis.

[2] The title is (among tracts of Eadmer the precentor) *A letter of Nicholas*, which begins thus:—"To Eadmer, elect by the grace of God to the See of St. Andrews, his own Nicholas."

[3] "But in regard to your question concerning the Primacy of the Church of York over the Scots; no authority exists, no reason or example is apparent, in support of this—on the contrary, the Church of York has frequently derived the faith and doctrine of Christianity, and also the consecration of bishops, from the Scots, but the Scots from it never, except what was done in the case of Turgot. For when the men of York, apostatizing from the faith, had expelled Paulinus, their first Bishop ordained to them from Kent, St. Aidan, a Scot, and appointed and ordained by the Scots, zealously introduced the faith of Christ and the sacraments of the faith into all Northumbria; then his successors in the see of York, down to the fourth, were all ordained, anointed and appointed to that Church by the Scots. One of them indeed, being judged unserviceable to that Church by reason of his indiscretion, was actually deposed by the Scots. To all these things St. Bede

Now in respect that Turgot[1] is named and seemed to be blamed by this epistle, I shall shortly tell you that story.

This Turgot, whom I acknowledge for an Englishman, was Prior of Durham, and was made Bishop of St. Andrews in the year 1109, and consecrated by Thomas, Archbishop of York, and continued there twenty-five years.[2]

This Edmerus[3] was also an Englishman, a monk of Canterbury (Harpsfieldii *Historia*, fol. 278),[4] and as Mr. Selden[5] in his *Edmerus*

bears witness in the *History of the English*. But neither history nor even fable teaches that any Bishop or teacher was ever appointed or ordained from York to the Scots, except the above-mentioned Turgot. Let the Church of York, therefore, cease to claim the Primacy of Scotland; for if she had it, since the Bishop of St. Andrews is called the supreme pontiff of the Scots, but he only is supreme who is over others, and he who is over other bishops is an Archbishop, even though a barbarous race ignore the honour of the pall; if (I say) the Archbishop of York had prerogative over him who is called supreme pontiff of his nation, then he [*sc.* the Archbishop of York] would be not merely Metropolitan, but even Primate of another kingdom; which is nowhere recorded."

[1] Of the initiation of this Turgot, see the annotations of Picardus Bellovacensis to the epistle of Anselmus, written to Thomas, elect Archbishop of York, lib. III, Epis. 149.—T. W. Vide *ante*, p. 9, note 7.

[2] Stubbs, *De Vitis Archiepisc. Ebor.*, fol. 1712-13.—T. W.

[3] Eadmerus, or Edmer, the friend of Archbishop Anselm, was selected by Alexander, King of Scotland, for the archbishopric of St. Andrews in 1120. His historical and biographical works are highly valued. The eulogy passed upon him as a historian by William of Malmesbury is well known (*De Gest. Pontif.*). His chief works are: 1. *Historia Novorum in Anglia* (edited by M. Rule in *Mem. and Chron.*); 2. *Life of St. Anselm* (pub. Antwerp 1551); 3. Lives of St. Dunstan, St. Oswald, St. Bregwin (pub. by Wharton in *Anglia Sacra*); 4. *Life of St. Wilfrid* (pub. by Mabillon in *Act. Ord. Bened.*).

[4] Nicholas Harpsfield was born about 1519, and died in the Tower of London under arrest in 1575. As an ecclesiastical judge he is reputed as having been extremely severe with those charged with heresy. He was diligent in the employment of his pen, and the following of his works have been published: 1, *Six Dialogues* (in favour of the Papal primacy, monasticism, etc.). This work was written in prison, and published by Alan Cope at Antwerp in 1566; 2, *Historia Anglicana Ecclesiastica in quindecim centurias distributa* (pub. 1622); 3, *A Treatise on the pretended divorce between Henry VIII and Catherine of Arragon* (pub. 1878).

[5] Selden edited *Historia Novorum* from the Cotton manuscript in 1623. The title is as follows: *Eadmeri monachi Cantuariensis historiae novorum sive sui saeculi libri vi., res gestas . . . sub Gulielmis I et II et Henrico I. Angliae regibus, ab anno nempe salutis MLXVI. ad MCXXII. potissimum complexi. In lucem ex Bibliotheca Cottoniana emisit* I. Seldenus, *et notas porro adjecit Spicilegium.* (Meighen and Thomae Dew: Typis et impensis Guilielmi Stanesbeii, ex officinis Richardi, Londini, 1623).

writes, Abbot of St. Albans.[1] This man, upon the recommendation of Ralph, then Archbishop of Canterbury, in the year 1120, Alexander I, King of Scots, surnamed the Fair, did make Archbishop of St. Andrews. And there being at that time, as frequently there was, some difference between the Archbishop of Canterbury and Thurstan, Bishop-elect of York,[2] this man being made Bishop by the favour of Ralph, Archbishop of Canterbury, was desirous to be consecrated by him, and not by Thurstan elect of York; upon which occasion it seems that he had written to the Pope, which occasioned the above-mentioned letter.

The result at this time was, the King of Scots being afraid of Henry I, King of England, that Edmerus received not consecration at all. (Edmeri, *Historia*, fol. 130-133.) But upon this and some other displeasure arising between him and the King, he laid down his election, he delivered back his ring which he had received from the King, and laid down his crozier upon the altar. (Archbishop Spotswood's *History*, fol. 33-36.)[3]

One Robert, Prior of Scone, was elected the Archbishop of St. Andrews, and he received benediction at the hands of Thurstan, Archbishop of York, and reservation of the privileges of both churches.

Now for the exercise of this supremacy: though it past not without opposition, yet our English historians make frequent mention of it.

In the time of Alexander, King of Scots,[4] this question was set on foot concerning the confirmation of the Bishop of St. Andrews, and his confirmation was deferred for a year or more. At last the King of Scotland did desire King Henry of England to command the Archbishop of York to consecrate him without any exaction of subjection, *salva utriusque ecclesiae authoritate.*[5]

Froderoth, Bishop of St. Andrews, did by the counsel and command of Malcolm IV, King of Scots, and of Margaret his wife, confess his fault that he was consecrated by the Scots, and not by the

[1] This is a palpable mistake. Eadmer, Abbot of St. Albans, died in 980. Leland, Bale, and Pits all fall into the error of confounding the Archbishop-elect of St. Andrews with the Abbot of St. Albans.

[2] Polydori Virgilii, *Historia Anglicana*, fol. 136.—T. W. See *ante*, p. 17, note 4.

[3] John Spotiswood, successively Archbishop of Glasgow (1603) and St. Andrews (1615). *The History of the Church of Scotland, beginning the year* 203, *and continued to the end of the Reign of King James VI* (*pub.* 1655). There is a fault in the paging of this work. The reference should be fols. 33-34.

[4] Simeon Dunelm., fol. 207. T. W.

[5] "Without prejudice to the authority of either of the two Churches."

Archbishop of York,[1] as he ought, and made profession and oath of his obedience to the Archbishop of York and his successors, which are both there mentioned and set down, and was consecrated by Thomas Norman, then Archbishop of York.

Thurstan, Archbishop of York, complained to the Pope of John, Bishop of Glasgow, that the said John was his Suffragan-elect; but that neither for the letters of Pope Paschal or Pope Calixtus, which he there recited, would he give any obedience or reverence unto him. And he showed that the King of Scots was the liege man of the King of England. But the Bishop-elect said he came not upon that errand to answer the Bishop, but he was there upon the King's embassage, and the matter was adjourned.[2]

Thurstan did consecrate the Bishop of *Candida Casa*, or Whithern, and took his possession in writing.[3]

It appears by the epistle of the Archbishop of York to Lanfranc,[4] Archbishop of Canterbury, concerning the consecration of Ralph, Bishop of Orkney, which was sent to the Archbishop of York by Paulus Earl of Orkney: *Ex antiquo sui juris est (scilicet Archiepiscopi Eborum) praefatarum insularum praesules consecrare.*[5]

I doubt that I have held you too long in this bootless problem.

It appears by what has been said that the Archbishops of York have had possession of and several sanctions for this superiority, but not without reclamation and interruption.

Polydore Virgil saith that the Bishops of York upon each disturbance did complain to the Popes Paschal II, Calixtus II, Honorius II, Innocent II, Eugenius III, and Hadrian IV, all of which wrote letters to the Scotch Bishops to submit to York, which they refused. At last it was referred to Pope Alexander, but he would not determine it.[6]

Most of these letters are kept safely in the College or Church of York, of which Polydore Virgil saith he hath seen the copies written in a most ancient book, which Edward Lee,[7] Archbishop of York, gave him the favour to peruse.

But it came to nothing in the conclusion, and was very inconvenient in the exercise, by reason of the constant wars between the two nations.

[1] Tho. Stubbs, *De Vitis Archiepisc. Ebor.*, fol. 1709.—T. W. Harpsfield, *Ecclesiastical History*, fol. 270.—T. W.

[2] Stubbs, fol. 1709.—T. W. [3] *Ibid.*, fol. 1720.—T. W.

[4] Mr. Selden's *Spicilegium* in *Edmerum*, fol. 201.—T. W.

[5] Repertum in *MS.* Codice Lanfranci.—T. W. Trans.:—It is of old within his right (to wit, the right of the Archbishop of York) to consecrate the Bishops of the aforesaid Islands. [6] Polydori Virgilii *Historia*, fol. 231, lib. 13.—T. W.

[7] Archbishop from 1531 to 1544.

Hector Boëthius[1] (Fol. 309) writes that this was in the year 1471 in the latter end of the reign of Edward IV of England, and in the time of King James III of Scotland, who wrote a letter to Pope Sixtus IV that the Bishop of St. Andrews might be Metropolitan of Scotland, York having enjoyed it, saith he, for fifty years.[2]

This was done in the time of George Nevill,[3] Archbishop of York, and, as our writers say, in the time of King Edward IV. The Archbishop withstood it, but the Pope overruled him, alleging that it was unfit that an enemy should be Metropolitan of Scotland.

Edward Lee, Archbishop of York, as Polydore Virgil writes, in the time of Henry VIII had intentions to have renewed it again, if the fate of that time had permitted a General Council. But then St. Andrews became a Metropolitan. And you shall see his title as large for circuit, as the King of Scots his style was.

Upon the donation of Roger, Bishop of St. Andrews, of the Churches of Eglesse and Clackmanan to the Abbey of Cambuskeneth juxta Strevelyn in Scotland: Sir James Balfour, Lord Lyon, did give to Charles Fairfax, Esq., a copy of this which follows, transcribed out of the Leiger-book of that Abbey:—

"Universis sanctae matris Ecclesiae filiis praesens scriptum inspecturis salutem. Rogerus Dei gratia Scottorum Episcopus. Noverit, etc. Datum Kalendis Julii Pontificatus vero nostri anno tertio."[4]

Now you have heard of the conclusion of this supremacy.

I shall not take upon me to discover when it begun, or that it was enjoyed without frequent interruption. It may be conjectured, as a learned gentleman hath observed to my hand, that it was about the time of Egbert, brother to Eadbert, King of the Northumbrians, who was made Archbishop of York in the year 735,[5] and continued in that state thirty-one years, whose province (as Sir Henry Savill in his *Fasti*, noted by Sir Henry Spelman, p. 275) *praeter borealem Angliae partem*

[1] Hector Boëthius or Boece was born about 1465, and died about 1536. His *Scotorum Historiae, a prima gentis origine*, published in 1527, is interesting as the first history of Scotland to appear in print. Respecting the early portion of his work, "Dr. Johnson probably gives a fair verdict, though it may be thought somewhat lenient. 'His history is written with elegance and vigour, but his fabulousness and credulity are justly blamed. His fabulousness, if he was the author of the fictions, is a fault for which no apology can be made, but his credulity may be excused in an age in which all men were credulous.' (*Dict. Nat. Biog.*)"

[2] Pol. Virg., lib. 13, p. 234.—T. W.

[3] Archbishop from 1465 to 1476.

[4] "To all the sons of the Holy Mother Church who shall see the present writing, greeting. Roger, by the grace of God Bishop of Scots. Be it known, etc. Given on the Kalends of July, in the third year of our pontificate."

[5] This was the year that Pope Gregory sent him the pall. See p. 41.

Scotiam integram et adjacentes insulas continebat. It is true that Paulinus, the first Archbishop of York, had, about the year 627, a pall sent him by Pope Honorius I, which also was intended before that by Gregory the Great, as appears in his Epistle to Augustine, and a power of ordaining twelve Bishops. But in that barbarous time the authority slept or was neglected—viz., from Paulinus to Egbert, between whom five Bishops are numbered.

Nor shall I undertake to tell how, before and after the time of Egbert, Bishops were created in Scotland.

Hector Boëthius thinks (*Scotch History*, lib. VII) that it was first by their Culdees, or Cultores Dei. "Erat Palladius," saith he,[1] "primus omnium (nempe circa annum 420) qui sacrum inter Scotos egere magistratum, a summo Pontifice Episcopus creatus, quum antea populi suffragiis ex monachis et Culdeis Pontifices assumerentur."[2]

And Dempster,[3] in *Historia Ecclesiastica*, "Penes hos (scilicet Culdeos) ab initio receptae fidei stabat episcopi electio," etc.[4] This is asserted by Mr. Selden in his preface to the old writers lately set out.

And Buchanan[5] (lib. V) is of opinion[6] that "Superiores emin Britanni Christianismum ex Johannis Evangelistae discipulis edocti, a monachis (scilicet Culdeis) quos aetas illa adhuc eruditos, et pios habebat instituebantur."[7]

And Mr. Selden makes it appear that this was for the most part exercised by the Culdees till it was by universal consent transferred to Turgod or Turgotus, who, from being Prior of Dunolm, was elected Bishop of St. Andrews, and consecrated at York, the third of the Kalends of August, 1109, of whom more hath been said in this chapter.

[1] Boëthius, *Scotorum Historiae, a prima gentis origine* (ed. 1575), p. 128*b*.

[2] "Palladius was (sayth he) the first of all (viz., about the year 410) who held spiritual dominion among the Scots, being made Bishop by the supreme Pontiff, whereas previously the Bishops were chosen by the votes of the people from the monks and Culdees."

[3] Thomas Dempster, b. 1579, d. 1625. His *Historia Ecclesiastica Gentis* (lib. XIX) was published in 1627.

[4] "The election of the Bishop rested with them (to wit, with the Culdees) from the beginning of the receiving of the Faith."

[5] George Buchanan, the celebrated Scotch historian and Latin poet, was born 1506 and died in 1582. His chief work is the *Rerum Scoticarum Historia*, which he only just lived to complete.

[6] George Buchanan, *Rerum Scoticarum Historia* (ed. 1582), fol. 54*b* (Rege 49).

[7] "The Britons before (the coming of St. Augustine) were taught Christianity by the disciples of John the Evangelist, and were initiated in the same by monks called Culdees, who in that age were learned and pious."

How the consecration of these Scottish Bishops was appears not, till of late years, out of the Archives of the Archbishops of York. The early documents are said to have perished by fire in the conflagration of the Cathedral at York, and in particular that of Chinsius or Kinsius, in the consecration of the Bishop of Glasgow about the year 1051, as Thomas Stubbs writes in *Vita Kinsii*, whose words are, " Iste Kinsius ad Ecclesiam Glasguensem ordinavit Episcopum, etc. Et ab iis Chartas Professionis accepit, quae in conflagratione a Normannis facta, cum ornamentis, libris, privilegiis et ceteris Chartis combustae sunt."[1]

The examples of this kind were more frequent after the Norman Conquest, as appears in this chapter.

III.—For the last and third part of this chapter I shall not insert the list of the Archbishops of this place, which amount to the number of seventy. Their names are set out in several authors. This much hath been said[2] of them, that there have been of them for devotion and piety as holy, for blood and activity as high, for wealth and ability as huge as any, not only of England, but of Europe.

I shall only mention such of them as were

1. Accounted saints.
2. Cardinals.
3. Lord Chancellors, or Treasurers of England.

1. These were the reputed saints.

(1) Sanctus Paulinus, the first Bishop in the year 627, was accompted a saint.

This man converted Edwin, King of Northumberland, to the Christian faith, and by the occasion of this, so great an example, a multitude of other people. For, as it is reported, he rested not for thirty-six days together from instruction or baptism of the people, which he did in the open fields and rivers.[3] No churches being then built, he caused a little church of boards to be erected in the city of York, and did dedicate it to St. Peter, which was afterwards perfected by his successor Oswald.

And when he had baptised the inhabitants of the county of

[1] "This Kinsius ordained a Bishop to the Church of Glasgow, etc. And he received charters of profession from them, which were burnt, together with ornaments, books, privileges, and other charters, in the conflagration made by the Normans."

[2] Sir John Harrington, in his *Brief View of the Church of England*, fol. 169.—T. W.

[3] This occurred at Yeavering in Glendale, in Northumberland.—Bede, Bk. II, c. 14.

Nottingham in the River Trent,[1] he founded a college and church in Southwell[2] of prebendaries which he consecrated to the Virgin Mary,[3] which continue a body without a head to this day (I mention this as one of the miracles of St. Paulinus).

(2) St. Wilfrid, the third Archbishop, born in the north country, was buried in the Monastery of Ripon which himself had built.[4]

Within the church of Ripon, St. Wilfrid's Needle, not many ages since was very famous. This was a narrow hole in the crouds or close vaulted room under the ground, where chaste women might pass, but not lewd ones.[5]

(3) Saint Bosa, the fourth Archbishop. This, amongst other things, I find written of him:

> "Quindecies ternos postquam Episcopus annos
> Transiit, et gaudens celestia regna petivit.
> Dona Jesu grex ut pastoris calle sequatur."[6]

(4) John, the fifth Bishop of York, called afterwards Saint John of Beverley, was a gentleman born of a very good house, as some historians relate. Beda, who lived in his time,[7] and was his scholar, reports many miracles done by him. He founded a monastery in the town of Beverley. Folchardus Cantuariensis[8] writes his life,[9] and saith that he was the first Doctor of Theology in Oxford. He was the scholar of Theodorus, Archbishop of Canterbury.[10] He lived some time as a

[1] We have a description of the personal appearance of Paulinus by one who was there baptised by him. "A certain abbot and priest of the monastery of Peartaneu, a man of singular veracity, whose name was Deda, in relation to the faith of this province, told me that one of the oldest persons had informed him that he himself had been baptised at noonday, by the Bishop Paulinus, in the presence of King Edwin, with a great number of the people, in the river Trent near the city; and he was wont to describe the person of the same Paulinus, that he was tall of stature, a ittle stooping, his hair black, his visage meagre, his nose slender and aquiline, his aspect both venerable and majestic."—Bede, Bk. II, c. 16.

[2] Dugdale, *Monasticon*: vi, 1312.

[3] Lord Coke, 10 Rep., fol. 30.—T. W.

[4] Beda, lib. 5, cap. 20.—T. W.

[5] Camden's *Britannia*, fol. 700.—T. W.

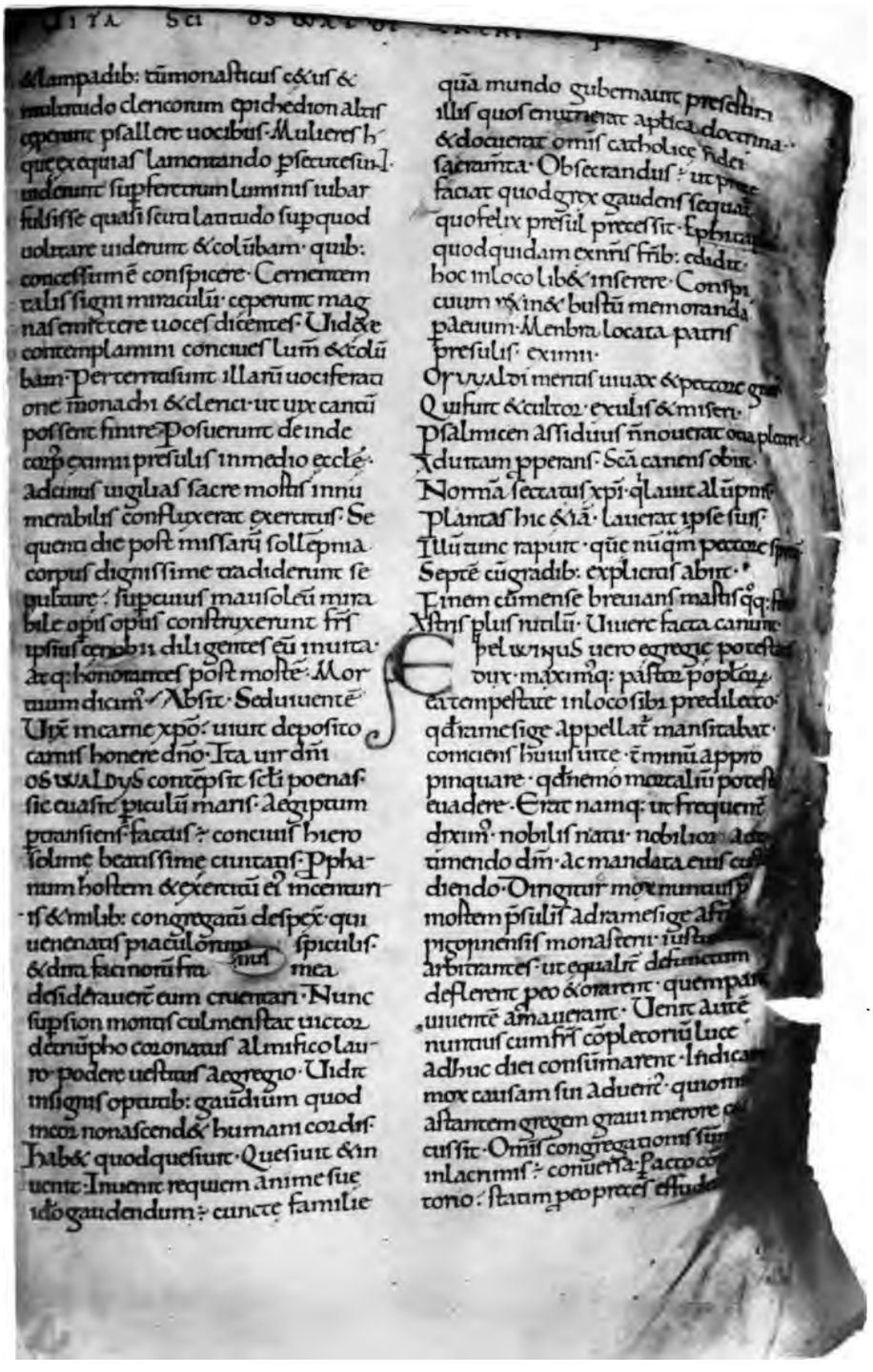
[6] "When he had been Bishop for forty-five years he passed away, and sought with joy the heavenly realms. Grant, Jesus, that his flock may follow in their shepherd's footprints."

[7] Beda, lib. 5, cap. 2, 3, 4, 5.—T. W.

[8] Folcard, who lived about 1066, was a Fleming, and a monk of St. Bertin's, Flanders. Coming to this country, he entered the monastery of Holy Trinity, Canterbury. For sixteen years he held the abbey of Thorney, Cambridgeshire.

[9] For an account of this work, see Raine, *Historians of the Church of York*, vol. iii, Pref., LII-LX.

[10] "Subduxit primo manum ferulae Theodori archipraesulis Cantiae, cujus doc-

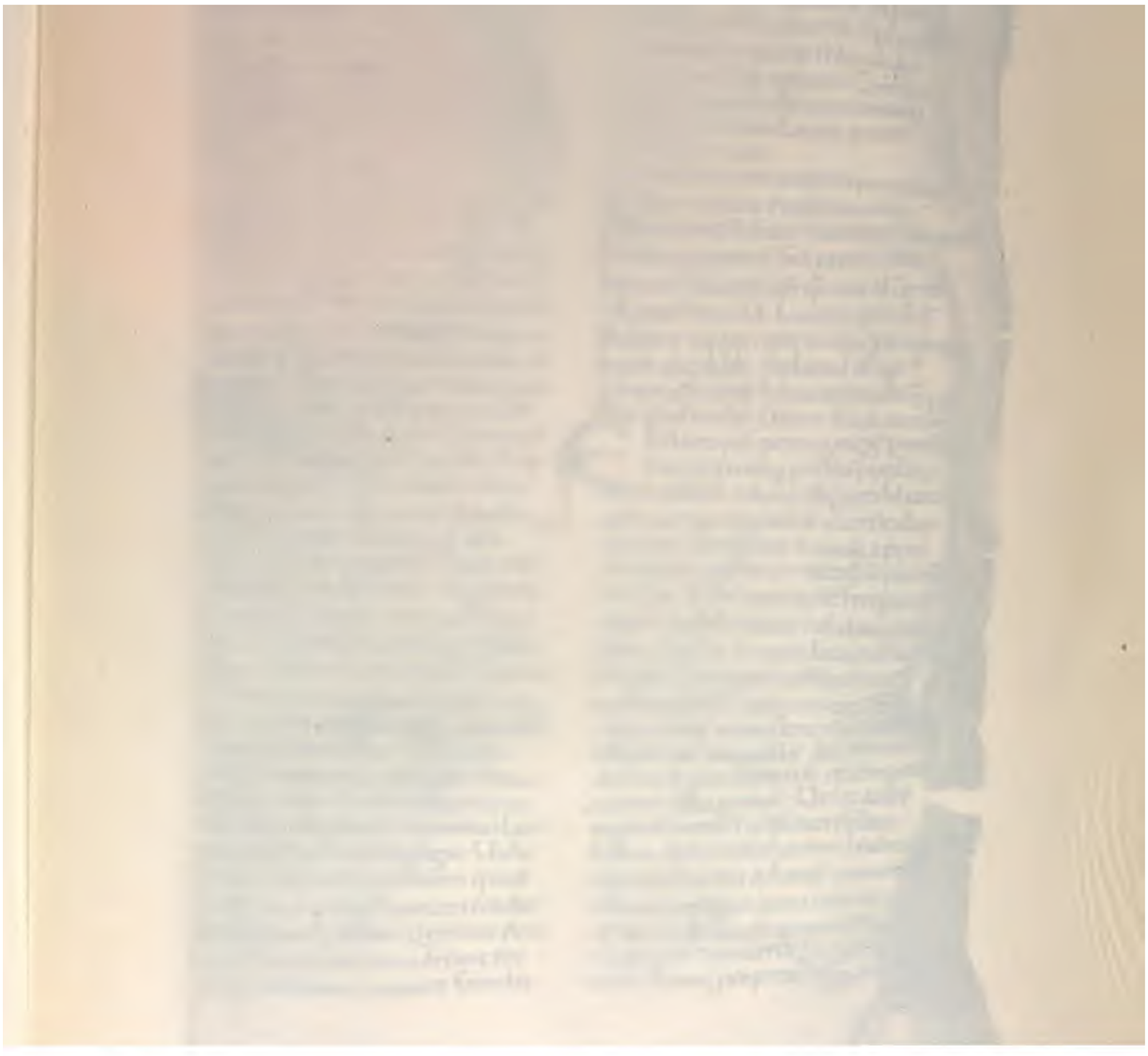


A FOLIO FROM THE BIOGRAPHY OF ARCHBISHOP OSWALD

By a Saxon Scribe.

(*See p.* 203, *Note* 5.)

Opp. p. 203.



hermit at Harneshalg, upon Tyne bank, near Hexham, in Northumberland. He was a great favourite of King Alfred (the Wise). After the resignation of his bishopric he lived privately at his college in Beverley, where he died the 7th of May 721, and was buried in the church porch of that college, which King Athelstan[1] made a sanctuary for his sake, and placed a chair of stone in the church there, with this inscription: "Haec sedes lapidea dicitur Freed-stol, id est Pacis Cathedra."[2]

In a convocation held at London in the year 1416, the day of his death was appointed to be kept holy yearly in memorial of him.

(5) St. Egbert, brother of King Eadbert,[3] was the seventh Archbishop. The famous Alcuinus, of whom I shall speak in another chapter, was his scholar. He erected a famous library in this city, of which I have said more in another place. He wrote many books himself. You may see the catalogue of them in Baleus, *De viris illustribus.*[4]

(6) Oswald, the 19th Archbishop, was made so in the year 972 by King Edgar. He was the first founder of the Abbey of Ramsey,[5] in the Isle of Ely, a great patron of monks, and a terrible persecutor of married priests.

trinis accurate institutus a summo Doctore summum conscendit apicem philosophiae." (*Vita Sancti Johannis*, cap. i; *Hist. Ch. York*, p. 244.) This life also appears in Migne, *Patrologiae Cursus Completus*, etc., vol. xlvii.

[1] Dodsworth, *Monast. Anglic.*, fol. 169, ex libro incerti authoris.—T. W. The *Monast. Anglic.* first appeared as the joint work of *Dodsworth* and Dugdale. See p. 97.

[2] See p. 183. As an illustration of the stirring events which have transpired in connection with *sanctuary* at Beverley, reference may be made to an incident which occurred in the reign of Richard II (1377-1399). In 1385, during an expedition against the Scots, King Richard lay with his army at Bishopthorpe, near York. In a brawl, Sir John Holland (half-brother of the King) unwittingly slew Sir Ralph Stafford, the eldest son of the Earl of Stafford. Holland took refuge at Beverley; but Richard deprived him of his estates and offices, and banished him from the kingdom,—reverses which so affected his mother (Joan, the Fair Maid of Kent) as to cause her death. Later, Holland was pardoned by the intervention of the King's uncle, John of Gaunt, Duke of Lancaster. (*Vide* Stowe, Hollinshead, and Knighton.)

[3] We have many touching and beautiful pictures of the lives of these noble brothers. "A. 738. After four years, Eadbert succeeded to the kingdom of the Northumbrians, and his brother Egbert discharged the archiepiscopal office; and now they both lie buried in the city of York, under the shade of the same porch." —*Ethelwerd's Chronicle*, c. xv.

[4] Including epistles, commentaries, also dogmatic, liturgical, and poetical works, with miscellaneous writings. See p. 42.

[5] A biography of Archbishop Oswald, written shortly after his death by one of the monks of Ramsey, lies in the British Museum. It is an excellent MS., covering 21 folios of vellum. Nero. E. i.

William Malmesbury reports that the day before his death he told divers of his friends that he should die. He died, kneeling down to pray, the 28th of February, 992, and was buried at Worcester in the church which he had built.[1] Many miracles are reported to have been done at his tomb, and he was reverenced afterwards as a saint.

(7) William, the 30th Bishop of this See, gained the name of Saint William. This William was son to Emma, King Stephen's sister, by Earl Herbert, poisoned, as it was thought, in the sacrament.

Polydore Virgil reports of him that passing over the the bridge of Ouse—some say of Pontefract—when he came to York, the bridge being then of wood,[2] the number of the people was so great that came to honour him, that it brake just as the Bishop was over, and many fell into the water. But by the prayer and blessing of this holy man they were all preserved from drowning. He died the 8th day of June, 1154, and after his death was canonized for a saint, and the yearly day of his death appointed unto the celebration of his memory.[3]

Many miracles are reported to have been wrought at his tomb in the Cathedral Church at York. I doubt not but that this Saint William of York was as good a saint as St. Thomas of Canterbury, and his miracles as creditable as those of Saint Dunstan, another Archbishop of Canterbury, whose harp, hanging upon the wall, did play by itself:—

> "St. Dunstan's harp upon the wall fast by a pinn did hang
> Without man's help, with lye and all, and by itself did twang."
>
> Fox, *Martyrs*, vol. i, fol. 220.

Though some write that St. Bernard procured the deprivation of this Saint William, I thought to have inserted the instrument of his canonization, which was done by Honorius, and which I had out of *Magnum Registrum Album*, in the Archbishop's Registry at York. The title of it is thus:—

[1] Oswald was appointed to the see of Worcester in 961, and was translated to York 972.

[2] The first stone bridge was built 1235—1268, but there is no documentary or contemporaneous evidence of any kind concerning its foundation. It is conjectured that the Chapel of St. William was built at the same time as the bridge. See p. 174, note 4, and the references given there. Cave (*Picturesque Buildings*) suggests that the chapel was built in two portions at different dates, as there were two distinct styles of architecture in the building.

[3] An interesting testimony to the esteem in which he was held is seen in the fact that his figure was frequently reproduced in the old glass of the city churches.

Sequitur litera Papalis cum filo de serico et vera bulla bullata super Canonizationem Sancti Willielmi.[1]

But it is too long, and therefore I omit it.[2]

2. Some of the Archbishops were Cardinals.

I go now not by reality of honour, but by the esteem which was then of Cardinals, for I remember what Chaucer saith :[3]

"They maken persons[4] for the penny,
And Canons of[5] her Cardinals,
Unnethes amongst hem all is any
That he ne hath glossed the Gospel fals.
For Christ made never no Cathedrals,
Ne with him was no Cardinals
With red hatte as usen ministrals.
But falshood foule mought it befall.

* * * *

"What knoweth a tillour at the plowe
The Popes name, and what he hate?
His creed sufficeth him ynow,
And knoweth a Cardinal by the hatte."[6]

(1) The first of this rank was John Kemp, the fiftieth Archbishop of York, made so 1426, and continued almost twenty-six years,[7] and a little before his death was made Cardinal *Sanctae Ruffinae.*

(2) Christopher Baynbrigge, a gentleman descended of an ancient family, born near Appleby in Westmoreland. He was made Archbishop of York, 1508. Being ambassador from King Henry VIII to the Pope in the year 1510, he got a Cardinal's cap, at Rome, from the

[1] "Here follows the Papal letter on the canonization of St. William, with a silken thread, and sealed with the veritable bull."

[2] In the margin of the MS. there is this note:—"It might conveniently be inserted."

[3] Chaucer, in the *Tale of the Plowman.* By an Act of Parliament, 34 H. 8, c. 1, whereby divers books are prohibited, the books of Chaucer are declared not to be within that prohibition.—T. W. This is one of the supposititious works of Chaucer. It has been published as an exposure of the corruption of the Roman clergy. "*The Ploughmans Tale. Shewing by the doctrine and lives of the Roman Clergie that the Pope is Antichrist, and they his Ministers.* Written by Sir G. C., Knight, [or rather perhaps by Brampton?] amongst his *Canterburie Tales:* and now set out apart from the rest, with a short exposition", etc. (pub. 1606).

[4] Glossary.—Persons: parsons; unneth: scarcely; hate: is named; ynowe: enough. There are several departures here from the spelling of the editions current at the date when Sir Thomas wrote.

[5] Often read, "And Canons, *and* her Cardinals."

[6] Ed. 1561, fol. XCI*b*, and fol. XCII.

[7] Translated to Canterbury 1452.

Pope, and some poison from Rinaldo de Moderna, an Italian priest, his steward.[1] The latter hastening his death, he could make no use of the cap.

(3) The famous Cardinal, Thomas Wolsey, Archbishop of York, comes the last in this order. His life is written by several pens. I shall not meddle with it. He never was at York, nor nearer it than Cawood Castle, which I have heard was part of old Mother Shipton's prophecy, that the Cardinal should see York, but never get to it. This Cardinal's cap was as high crowned and as well lined as ever any English Cardinal's cap was. He concluded his life at Leicester, and his body was interred in the Abbey Church there. I shall have occasion to mention him afterwards.[2]

3. Some of the Archbishops were Lord Chancellors and Lord Treasurers.

(1) Geoffrey Plantagenet, the 32nd Archbishop of York, was Lord Chancellor in the year 1191.[3]

(2) Walter Gray, the 33rd Archbishop of York, was Lord Chancellor. I find him so made in the 7th year of King John, and he was Archbishop 39 years (Rot. Fin. anno 7 John, m. 1: Walteriis de Grey, Archiepiscopus Eborum dat Domino 5000 Marcas pro habenda cancellaria Domini Regis tota vita sua, et pro habenda inde Carta Domini Regis). He purchased the manor of Thorp, the place now

[1] "The man was taken and thrown into the Castle of St. Angelo, where he not only confessed his crime, but stated that he had done it at the instigation of Silvester de Giglis, Bishop of Worcester, the resident English Ambassador at the court of Rome, who regarded Bainbridge as his rival. De Giglis, however, who was very influential at Rome, found means to get him to retract his confession; after which he stabbed himself, and died in prison. Richard Pace and John Clerk, the Cardinal's executors, were eager to prosecute De Giglis; but he maintained that the priest was a madman, whom he had dismissed from his own service some years before in England, and this defence was accepted as sufficient.' (*Dict. Nat. Biog.*)

[2] At a later date York was once more associated, though only in name, with a Cardinal. Henry Benedict Stuart was the brother of the Pretender, Charles Edward Stuart. After the battle of Culloden he retired to Italy, and obtaining preferment in the Roman Catholic Church, he was eventually appointed titular Cardinal of York. On the invasion of Rome by the French he was forced to flee to Venice, where he died in 1807. He was the last of the ill-fated family of the Stuarts.

[3] He was an illegitimate son of Henry II. His mother was, possibly, Fair Rosamond, though some hold that his mother was a woman named Hilkenai. Bowles and Nichols, *Lacock Abbey*, p. 102; Sandford, *Kings of England*, p. 71. His life presents a series of blunders and misfortunes, consequent upon a man of pronounced abilities being placed in a position for which gifts, preferences, and temperament made him pre-eminently unsuitable. He died, a fugitive from the wrath of King John, in Normandy.

called Whitehall, and other lands for the Church. He was *Custos Regni* for some small time. I find a very memorable order or decree (for so it is called) made by this Archbishop, which he did by the consent of the Dean and Chapter, and counsel of other wise men, which was, that he did for the profit of the Church separate the place of the Treasurer of the Church from the place of the Archdeacon of the East Riding, which had been before that time unfittingly conjoined together, and that for the future they should be bestowed upon several persons, seeing the Treasury, requiring continual attendance in the Church, and the Archdeacon's office, and the going up and down upon visitations, requiring continual going abroad.

(3) Walter Giffard, the 36th Archbishop, was made Chancellor of England about the year 1266, about the 50th year of King Henry III. He died about the 7th of the Kalends of May, in the 6th year of Edward I.

(4) William de Grenefeild, the 41st Archbishop of York, in the year 1305 was made Chancellor of England in the time of Edward I.

(5) William de Melton, the 42nd Archbishop of York, was made Chancellor at the instance and request of King Edward II. He bestowed great cost upon the shrine of St. William, and finished the body of the west part of the Church, and built a castle upon the Bale Hill in York, which is since vanished. He lies buried near the front of St. Peter's Church in York.[1]

(6) William de la Zouch, the 43rd Archbishop, was made Lord Treasurer of England.

[1] This grave was opened in 1736, and we have an account of the event by the great historian of York. He says:—"On the laying the new pavement of the church the stone which covered the grave of this prelate was taken up. It was of blue marble, very large, but quarterly cloven, and had been plated with brass on the borders and all over the middle part of it. Upon trial for a vault, the workmen came, at about two yards' depth, to six large unhewn stones, which laid cross-and-cross, as a drain is covered. Upon removing two or three of them, we discovered a curious walled grave of ashler stone, in which the Archbishop was laid. He had been put in a lead coffin, and afterwards in a mighty strong oaken one; but both were so decayed that it was easy to get to his bones. On the top of the uppermost coffin, near his breast, stood a silver chalice and paten which had been gilt. On the foot of the chalice was stampt a crucifix of no mean workmanship, and on the inside of the paten a hand giving the benediction. We could not find that he had been buried in his robes; his pastoral staff laid on his left side, but no ring could be met with. His bones, as they laid together, measured six foot, which argues him to have been a very tall man. His grey hairs were pretty fresh; after we had taken a survey of the exuviæ of this once famous man, the grave was closed up in the manner it was before; but the paten and chalice were carried to the vestry."—Drake, *Eboracum*, p. 433.

(7) John Thoresby, the 44th Archbishop, about the year 1340 was Chancellor of England. This man was also made Cardinal of St. Sabin by Pope Urban V, whom Thomas Walsingham reporteth to have been an Englishman. This Archbishop began to build anew the choir of the Cathedral Church, and bestowed great cost in beautifying the Lady Chapel in the Church. He made an agreement in the great controversy touching Bootham, beween the City and the Abbot of St. Mary's.[1]

(8) Thomas Arundell, the 46th Archbishop, was Lord Chancellor in 1388, about the 10th year of Richard II, and was made Lord Chancellor again in 15 Richard II.

(9) John Kemp, before mentioned, was also twice Lord Chancellor.

(10) George Neville, the 52nd Archbishop, brother to Richard Neville, the great Earl of Warwick. He was made Bishop of Worcester before he was 21 years of age, being in the year 1460 the youngest Chancellor that ever was. In this man's time the Archbishop of York lost the Primacy of Scotland, in the time of Pope Sixtus IV.[2]

(11) Thomas Scot, the 54th Archbishop of this See, called Rotherham from the town of Rotherham in Yorkshire, where he was born, was made by King Edward, Provost of Beverley, Keeper of the Privy Seal, and Bishop of Rochester in the year 1467, and in 1471 Bishop of Lincoln, and Lord Chancellor 1494, and enjoyed the place many years.

(12) Cardinal Wolsey, the 57th Archbishop of this place, was Lord Chancellor in the time of Henry VIII, 1516. In the year 1527, going ambassador into France, he carried the great seal with him to Calais, and left it there with Doctor Taylor, the Master of the Rolls, to keep till his return.

Several pens have set forth his condition, which was little in the beginning, as little as a grain of mustard-seed ; but it grew up into an exceeding tall tree wherein were to be seen clusters of little abbeys, several bishoprics, an archbishopric, a cardinal's cap, the great seal of England, with the office of Lord Chancellor, and a power legatine—choice fruits which many gaped after. But in the fall of this great cedar all these dropped from him, and he was left as little as he was born. If his midde age, when he was at the top of the wheel of fortune, had been well poised with humility and moderation, the lowness of his birth had not been any diminution unto him, nor himself a disparagement to those high places which he once enjoyed.

[1] See p. 123.

[2] See p. 199.



TOBIAS MATTHEW, ARCHBISHOP OF YORK.

COPIED FROM THE PORTRAIT AT CHRIST CHURCH, OXFORD.

Opp. p. 209.



(14) Nicholas Heath, Archbishop of York in the year 1555, upon the death of Stephen Gardiner was made, by Queen Mary, Chancellor of England. Upon the death of Queen Mary he called together the nobility and commons, the Parliament then lately assembled, but dissolved by her demise, and gave orders for proclaiming Queen Elizabeth,—a thing well done, and as well taken by the Queen. He was also President of Wales.

(15) John Williams, born in Wales, descended out of the ancient and worthy family of Williams of Kichellan in the county Carmarthen, which he afterwards purchased himself, as I have heard, was bred up in St. John's College, Cambridge, of which College he was Fellow. He was, afterwards, one of the Proctors of that University, Household Chaplain to the learned and Reverend Lord Chancellor Ellesmere, Dean of Salisbury, then of Westminster. He was, the 10th of July in the 19th year of King James, made Lord Keeper of the Great Seal of England, being then about thirty-eight years of age, as he himself saith in his speech, which I heard, when he was sworn in Chancery. After that he was made Bishop of Lincoln, and lastly Archbishop of York.

I rank him in the number of Lord Chancellors, although he never had that name, because, by the Statute of 5 Elizabeth, cap. 18 (an Act made when the learned and religious Sir Nicholas Bacon was Lord Keeper), the authority of the Lord Keeper and the Lord Chancellor is enacted and declared to be one and the same. He was a good benefactor to Westminster and to St. John's College in Cambridge, both which places he furnished with good libraries.

I am sorry that Toby Mathew,[1] that famous Archbishop of York, is not within the verge of the method of this chapter. He deserves to be ranked amongst the best of his predecessors or successors. It is superfluous to speak in his praise, "*qui tam multis unus bonis abundavit ut unus omnium laudes exhausit.*"[2] And whom (as Sir John Harrington hath observed) "his friends recommended, strangers admired, nobles embraced, the learned affected and imitated, and his enemies could not but extol and applaud."

Edmund Campion,[3] one of them, said of him, "Tobias Mathew in

[1] See p. 142.

[2] "Who in himself abounded in so many good qualities that he himself exhausted the praises of all."

[3] Edmund Campion, the Jesuit, was born in 1540, and was executed, by the order of Lord Chief Justice Wray, on 1 Dec. 1581. His life (*Edmund Campion, a Biography*), by Richard Simpson (pub. 1867), contains an excellent account of his writings, and of the various publications issued in reply to them.

concionibus dominatur."[1] This was a Jesuitical jeer of Campion's, who, though Bishop Mathew was a great orator, yet Campion thought not himself inferior in that way. Bishop Mathew, in his *Concio Apologetica* against Campion, defending himself against his slander, and taking notice of this very jeer, he elegantly answers: "De nobis aut[2] ne nescias, nolumus, non solemus, non possumus, non debemus in concionibus dominari. Non praedicamus nos ipsos, sed Jesum Christum, nos autem servos vestros propter Jesum. Ministerium nostrum non est dominatus, neque dominatus vester est ministerium."[3] Acutely and sharply, like himself, knocking Campion's lordly master, the proud servant of servants, on the head. And after: "Vos Campiane, vos dominamini, non solum in concionibus, sed etiam conscientiis hominum."[4]

Albericus Gentilis,[5] an Italian Jurist and Regius Professor at Oxford, in an Epistle Dedicatory to *Tobie Matthewes*, then Dean of Durham, prefixed to a treatise, *Tit. C. De Maleficis, etc., Commentarius*,[6] he highly applauds the learning and eloquence of Bishop Mathew: "Quaeso, quis ille est (inquit) qui in certamine isto universae laudis, gloriaeque, tecum contendit? Nihil ipse affirmaverim solus, at verissimum cum aliis clamo, et queror, te Academiae hujus sine comparatione summo et fulgentissimo lumine abducto subortas hic fere tenebras, et omnino ex dimidio non lucere. Te viro omnium eloquentissimo nobis adducto[7] mutam propemodum istam Academiam factam videri."[8]

[1] "Tobias Matthew domineers in his discourses." This paragraph appears twice in the MS.

[2] *Sic*, for autem.

[3] "But lest you should be in ignorance concerning us, [I tell you that] we do not wish, we are not accustomed, we are not able, we ought not, to domineer in discourses. We preach not ourselves, but Jesus Christ, and [we declare] ourselves your servants for the sake of Jesus. Our ministry is not lordship, nor is your lordship a ministry."

[4] "You, Campian, you domineer, not only in discourses, but over the consciences of men."

[5] He was born 1552; appointed Regius Professor of Civil Law by Queen Elizabeth 1587; died 1611. He produced many works, the chief being *De Jure Belli Commentatio.*

[6] Albericus Gentilis, *A. G. . . . ad Tit. C. de maleficis et math. et ceter. similibus commentarius. Item argumenti ejusdem commentatio ad L. iii. C. de professorib. et. medic.* (Hanoviae, 1604).

[7] *Sic*, for abducto.

[8] "Who, I pray, is there (he says) who competes with thee in the contest for universal applause and glory? I do not assert my own unsupported opinion, but proclaim with others an undoubted truth; and I complain that deprived of thee, beyond compare the greatest and brightest light of this Academy, we are left

His library of many ancient books—Fathers, Schoolmen, Historians, and all sorts of learning—was, after his death, brought to the Minster of York, and there is kept as a library serviceable to the use of such scholars as will repair thither, which, though it be a good gift, yet it doth *antiquum renovare dolorem* to remember by this that pile of books in Alcuin's time, under Archbishop Egbert, when York was a little Athens, and as famous for many students as books.

Bonaventura,[1] the great schoolman, is said by the Italians to have had the Archbishopric of York given him by the Pope about 1274.[2] Besides Onuphrius Octavianus de Martinis, Advocate Consistorial of the Pope's Palace, in his oration upon the life and merits of Bonaventura, saith, "Clement the Fourth preferred him to the rich Archbishopric of York, but he could not effect it that the holy man would accept of that promotion, resolving to keep his more private and religious monkish life." And at the end of his book called *Luminaria Ecclesiae*, it is writ, "Before he had finished his sermons of the vision of the 5th day, he was called by Pope Clement to the Archbishopric of York." But yet, good man, as devout a monk as he was to refuse a Bishopric, it never hindered him to receive a Cardinalship, which is more *Arch* than a Bishop.

And yet he was made bishop too—Episcopus Albanensis. He must needs after his death be sainted and canonized, and good reason if they could make that true which Alexander Ales, his master, used to say of him, "Verus Israelita iste est, in quo Adam non peccasse videtur."[3]

almost in darkness—half our light, at all events, is extinguished; that since thou, the most eloquent of all, hast left us, this Academy seems to have almost become dumb."

[1] This paragraph appears twice in the MS.

St. Bonaventura (Giovanni Fidanza), b. 1221; elected general of the Franciscan Order 1256; created cardinal by Gregory X; d. at Lyons 1274. His writings were prized by Martin Luther.

[2] *Sic.* Clement was pope from 1265 to 1271. 1270 may be read as an approximate date.

[3] "He is a true Israelite, in whom Adam seems not to have sinned."

CHAPTER XIII.

The Dean and Chapter of St. Peter's of York.



THE Dean and Chapter had, formerly, the name of the Dean and Canons, but the possessions, then and afterwards, were the same under the different names of the body.

At first, the possessions were joint, and all were maintained out of the common dividend; and as they had one purse, so they had one common hall and diet.

I read that the lands were first divided unto prebends by Thomas (Senior), a Norman Archbishop of York, in the year 1070.[1] He came there in the troublesome times of the Normans and Danes, at the first entry of the Normans, between whom the City and Church were wasted as by the cankerworm and caterpiller. The Archbishop found but three Canons in the place—the rest fled or dead.

And afterwards[2] he erected a new Minster, built a hall, and a dortour.[3] He thought good to divide the lands of St. Peter's Church unto prebends, and to allot a particular portion unto each Canon.[4]

I find an exemplification of their charters in the time of Henry III, and their privileges were great.

King Henry I granted the first Charter unto them (I speak of the time since the Norman Conquest). All former charters, both of the

[1] See page 159. [2] Goodwin, *Catalogue of Bishops*, fol. 451.—T. W.

[3] Dortour, dortoure, dortor, dorter, or dortoire = the sleeping apartments of a monastery, etc. [4] *Vide* Stubbs, col. 1708-9.

city and Dean and Chapter, were burnt in the general flame of the city in the Conqueror's time, as I have before shewed. This charter of Henry I is not extant, at least I have not seen it, nor doth it otherwise appear than by an *Inspeximus*[1] of later time.

Henry II granted and confirmed their liberties, granted unto them by ancient kings and archbishops, first mentioning those given by King Edward, and Archbishop Alfred.[2]

Many of their privileges are mentioned in that Charter of King Henry II, which I shall give you as succinctly as I can.

(1) Any person, convicted or guilty of any crime, shall not be taken or arrested by any person *infra atrium Ecclesiae*.[3] The person that takes him shall make amends by the universal judgment of the hundred. If he take him within the Church he shall be fined £1200. If he take him within York, £XVIII.[4] And further he shall do penance as a person guilty of sacrilege. But if any person shall take a man who is in the stone chair near the altar, which is called in English Fridstole,[5] a chair of quietness and peace, this wicked sacrilege is not to be redeemed by money, and is therefore by the English called *boteles*.[6]

These amendals belong, not to the Archbishop, but to the Canons of St. Peter "in hird", *scilicet*, in their domestical and intrinsical family, and called the Canons' Supper, or properly the Table of St. Peter.

(2) If any offend in the Church yard, or in the Canons' lands, or if the Canons offend against any there, the forfeiture shall not go to the Archbishop, but to the Canons.

(3) The Archbishop, in the matter of the Canons hath only this right, that if a canon or prebend die, the Archbishop may conserve the place, but not without the counsel and consent of the Dean and Chapter.

(4) If the Archbishop offend against the King, and for the

[1] Certain Letters Patent, confirming royal grants, commence: *Inspeximus*, i.e., We have inspected. The word has thus supplied a name for such confirmations.

[2] Archbishop from 766 to 782.

[3] *Within the court of the Church.* Churches were anciently divided into two parts—the *atrium*, allotted to the laity; and the *sanctuary*, for the use of the clergy. We find the terms in use in the middle of the 6th century.

[4] *Sic.* Read:—"If he take him within the church he shall make amends by 12 hundredors. If he take him within York by 18 hundredors." Vide *Mon. Ang.* (ed. 1817-30), vol. vi, fol. 1180.

[5] See pp. 183 and 203.

[6] A.-S., *bot*=compensation. The word is one in common use—bootless, unavailing, etc.

redemption or pacification thereof money is necessary, the Canons shall give nothing of it against their will. And the money of the Canons, or of their men, shall not be in pledge for the fault or debt of the Bishop.

(5) The Canons are to have in their houses and lands, "socam,[1] saccam,[2] toll, theam, intoll, outtoll, and infangthef." The words of one of their Charters go further, and indeed could not well go higher, viz., that they shall have all their customs of honour and liberty which the King had in his lands, and which the Archbishop held of God and the King.

(6) Upon the lands of the Canons of St. Peter no man was to have wapon, chanot, nor tridingmote, nor sheriffmote, but he must sue for his right *ad ostium monasterii*.[3] The reason was, the Canons must not go out of the toll of the bell, that by hearing of that they might at canonical hours return to their devotions. Nay, such reverence was given to St. Peter's possessions in this place, that if any land were given or sold to St. Peter it should not be afterwards charged with soc, sac, toll, or them.

(7) If the King did raise an army, there was, for that army, only one man to be charged for all the lands of the Canons, and that man was to carry the banner of St. Peter. And, as I apprehend from the Charter, he was to be captain of the citizens and ensign, and he was to go before the citizens and not without the citizens.

(8) The Canons of St. Peter had the grant of King Edward, which I take to be King Edward the Confessor, that none of the King's family or army should lodge in any of the houses of the Canons, neither in the city nor out of it.

(9) If any duel be tried at York, the oath ought to be made upon the texts of scripture, and upon the relics of St. Peter, and when the duel is ended the victor shall bring the arms of his conquest into the Church of Saint Peter, and there shall give thanks to God and Saint Peter for his victory.

[1] "Soke significat libertatem curiae tenentium, quam sokam appellamus."—*Fleta.* Or, rather, as Skene takes it, *De verborum significatione:* "Secta de hominibus suis in curia secundum consuetudinem regni."—T. W.

The reference to Fleta is lib. 1, c. xlvii (De expositione diversarum libertatum), N. 6. Skene's *Interpretation of terms* is printed with the Laws and Acts of Parliament (Scot.), part v. See *ante*, pp. 46, 47.

[2] Sacca is a royalty or privilege touching plea and correction of trespasses within a manor. *Vide* Rastall, in his *Exposition of Words.*—T. W. See *ante*, pp. 46, 47.

[3] "At the door of the monastery."

(10) If the Canons or their men shall bring any cause into the King's Courts, their cause shall have precedency of hearing before others.

(11) They shall have all amerciaments *hominum suorum*, and the goods and chattels of persons, outlawed and condemned, and fugitives (5 Jul., 37 H. III, at Portsmouth).

(12) They, and their men, were to be free in city and borough, in fair and market, upon the water and by sea, and in all passage of bridges, and ports of the sea, and that in all places of England, Ireland, and Wales. In all the King's lands and waters they were to be free from all toll and tollage, hidage,[1] wardage, passage, pedage,[2] lastage, stallage, works, and aids of castles, bridges, parks, walls, ditches, and warrens, of the Royal Navy, building of the King's houses, the work and custody of castles, and from all carriage and summage,[3] nor shall their carts, carriages, or horses be taken, nor their woods used for any of these works.

(13) They are to be free of all gelds, Dane-gelds, fengelds,[4] horn-gelds, forgelds, penigelds, tithing-peni, hundred-peni, miskenning, chivage, chiminage, and herbage, and from victuals, and tributes, from arms (horse and foot), and from all secular service and exaction, except the service of one ensign according to what is contained in the Charter of Henry I.

(14) They are to be free from suit at county, wapontack, and

[1] Glossary (par. 12).—Hidage: a tax levied on every hide of land; Wardage: contribution for the custody of a castle; Pedage: toll paid by travellers, especially through forests; Stallage: payment for erecting a stall; Summage: a horse-load, or obligation to supply pack-horses, or toll for horses.

[2] "Pedage, a *pede* dictum est quod a transeuntibus solvitur." Cassanus, *De consuetudinibus Burg.*, p. 118.—T. W.

This is an unusual form of describing the work referred to. If there is a reprint under the title given by Sir Thomas, I have not seen it. The full title is: Chasseneux (B. de), *Consuetudines Ducatus Burgundiae fereque totius Galliae*, etc. (pub. 1616).

[3] I cannot remember the word in any book of the laws of England. But *summage* seems to be a toll for carriage on horseback.—Crompton, *Jurisdiction of Courts.* It is also called a *seame*, and a seame, as I hear, in the Western parts, is a horse-load.—T. W.

Crompton was a barrister of note (Wood, *Ath. Oxon.*, vol. i, p. 634). His principal work, above quoted, appeared in 1594, the full title being, *L'authoritie et iurisdiction des Courts de la Maiestie de la Roygne*, etc.

[4] Glossary (par. 13).—Fengeld: a tax exacted for the repelling of enemies; Peni: penny; Miskenning refers to a wrongful citation. This privilege is mentioned as granted by Edward the Confessor to Ramsey Monastery, *Mon. Ang.*, vol. i, fol. 237; Chivage: payment by a born serf to his lord for liberty to leave his lordship; Chimmage: a toll paid for a road through a forest.

tithing, and from escape of murder or felony, and concealment thereof, hamsome,[1] blodwite, fitwite, forstall, leirwite, hongwite, ward-peni, brough-peni, trat-peni, and from all aids of the Sheriff and his ministers, and from scutage,[2] and from assizes, recognitions, and inquisitions, and from all summonses, unless it be for the business and liberty of the Church of York.

(15) If the plea be between men of the Church and the Canons themselves, or between their men on both sides, all the men of the Jury shall be of the Liberty of the Church, and of the Liberty of St. Mary's if the other suffice not. If the suit be between the Dean and Chapter, or any of them, or the particular Canons and their men, or any who is not of their Liberty, the moiety of the assize shall be by the men of the Liberty aforesaid and the other moiety of foreigners.

(16) The Dean and Chapter shall have their court and their justice, with soc, sac, toll, them, infangthef, outfangthef, flemenfreth, ordel,[3] and orest, within time and without, with all other immunities, liberties, customs, and acquittances.

(17) If the Dean and Chapter, or Canons, or any of their men, have any action against others, or others against them, that action shall not be held but at the door of the Church of St. Peter, *salvis placitis Coronae.*[4]

King Edward III, by charter, doth declare the words *homines suos* shall extend to freemen as well as to natives of the Dean and Chapter (15th June, 10 Edward III, at Westminster).

King Richard II doth declare that the Dean and Chapter and each of the Canons shall be quiet of murage,[5] pontage, picage, pannage, and of a certain custom which is called metlagh (20th June, 1 Richard II, at York).

The same King granted that the Dean and Chapter may inquire by their steward of the Statutes of Labourers and Artificers (Jul. 17 Richard II, at Winchester, in Parliament).

Henry IV declared that they may do this for matters happening

[1] Hamsome, or Hamsoke, is derived from *ham*, which in the Saxon signifies a house; and *sechen*, which is to seek or search: et "significat quietantiam misericordiae intrusionis in alienam domum vi et injuste". *Fleta*, lib. 1, c. 47.—T. W.

[2] Scutage, payment instead of military service, paid by one holding estates by knight-service.

[3] The right of administering oaths, and adjudging ordeal trials within their precinct or liberty.

[4] "Saving Pleas of the Crown."

[5] Glossary.—Murage: a tax levied for repairing the walls of the town; Pontage: a tax levied for repairing a bridge; Picage: payment to a landowner for breaking ground to erect booths; Pannage: payment for feeding swine in a forest.

in the close, churchyard, and Bedern of the Vicars of the said Church, and in their mansion houses without the close. The Mayor of York and the Aldermen, have the like power within the city.

I find that one Dean of York, in 49 Henry III, had a general summons to Parliament by writ, as Bishops and Barons have (Claus. Rot. 49 Henry III, m. 10, *dorso in sedula;* Selden, *Titles of Honour*, pp. 723, 724). But I cannot learn that ever any other Dean was so called.

As their privileges were great, so their possessions were large. I shall not mention them all, but some of them.

Ulphus, the son of Thorald, who ruled in the west part of Deira,[1] upon some controversy like to arise between his sons, about his lordships and seigniories after his death, for they were dividing the bear's-skin in his lifetime, levelled them forthwith; for he went to York, taking the horn[2] with him out of which he was wont to drink, filled it with wine, and before the altar of God and St. Peter, kneeling upon his knees, he drank, and thereby infeoffed them in all his lands and revenues. This horn was kept as a monument in the Church till very lately, and it is still extant in the hands of a noble gentleman. I saw it very lately.[3]

[1] Camden, *Brit.*, fol. 704.

[2] There is a curious paper, containing considerable information, in *Arch.*, vol. i, pp. 168-182, entitled *An Historical Dissertation upon the Ancient Danish Horn kept in the Cathedral Church of York.* MDCCXVII, by Samuel Gale.

[3] Sir Thomas evidently doubted whether he was acting judiciously in making this statement, for he eliminates the last two sentences. The gentleman here referred to was Sir Thomas Fairfax, in whose hands the horn was also seen by Dugdale. One would suppose that it might have come into the possession of Fairfax during the civil strife of his day, and several writers have taken this for granted; but it was not so, for this relic of Saxon art was not to be found in the days of Camden. This historian says: "I was informed that this great curiosity was kept in the Church till the last age." It is probable that it was removed from its rightful place during the period of the Reformation. Sir Thomas Fairfax bequeathed the horn to his son Henry, who restored it to the Minster. The Chapter restored the decorations of it, and added the following inscription:—

"CORNU HOC, VLPHVS, IN OCCIDENTALI PARTE
DEIRAE PRINCEPS, VNA CVM OMNIBVS TERRIS
ET REDDITIBVS SVIS OLIM DONAVIT.
AMISSVM VEL ABREPTUM
HENRICVS DOM. FAIRFAX DEMVM RESTITVIT.
DEC. ET CAPIT. DE NOVO ORNAVIT
A.D. M.DC.LXXV."

[This horn, Ulphus, prince of the western parts of Deira, originally gave (to the Church of St. Peter's, York), together with all his lands and revenues Henry

Two things appear by this gift:—

1. That it hath been an ancient custom of our ancestors to endow churches with lands and possessions.

2. That the ancient use was not only as of late to give seisin and possession by a clod of earth or at the door, but even by things very heterogeneal and collateral to the possessions given, for it was in this case by a drinking-horn.[1] I may call it *Cornucopia* or *Cornucopy* to the Church of York. There is yet to be seen in the church wall of the Minster, under a high window, a scutcheon with six horns, and hard by it the picture of a horn in stone.[2]

Sundry other donations of lands were made to this Church by the Saxon kings, viz. Edgar, Athelstan, and others; as appears by the *Register-book* of the Dean and Chapter of York, called *Magnum Registrum Album*.

Some of them are in the Saxon tongue, and some in Latin—the particulars and bounders[3] in the Saxon tongue, but in an English character.

A confirmation was made unto them of one house and five shops, in the parish of St. Dunstan in Fleet Street (Pat. 10, Henry IV, p. 2, m. 3[4]). This is now Serjeant's Inn.[5]

This was done originally by the will of Dalby, who did devise £400 to the Dean and Chapter of York to find a chantry in their Church perpetually, and an obit for the soul of Dalby, and that the chantry priest should have 48 marks yearly, etc. King Henry IV granted licence unto them to purchase the house now called Serjeant's Inn, in Fleet Street, and some houses thereto adjoining, and some other lands in York, *ad onera et opera pietatis*, in the will of Dalby

Lord Fairfax at last restored it when it had been lost or conveyed away. The Dean and Chapter decorated it anew A.D. 1675.]

For a description of the decorations on the horn, see Pool and Hugall, *York Cathedral*, plate opposite p. 191; Robert Brown, *The Unicorn, a Mythological Investigation* (pub. 1881); Robert Brown, *Remarks on the Gryphon, Heraldic and Mythological* (*Arch.*, vol. xlviii, p. 370).

[1] On this subject there is much scattered information. See Blount, *Fragmenta Antiquitatis* (ed. 1784), p. 186; Pegge, *Of the Horn as a Charter or Instrument of Conveyance*. This paper is made additionally valuable by being freely illustrated by excellent drawings (*Arch.*, vol. iii, p. 1); Ellis, *Observations on some Ancient Methods of Conveyance in England* (*Arch.*, vol. xvii, p. 311); etc.

[2] Above the arches of the choir and nave.

[3] *Sic*, i.e., the particulars and *boundaries* of the land.

[4] For *m. 3* read *m. 23*.

[5] This place was afterwards granted by the Dean and Chapter to Henry VI, as a residence of the Serjeants-at-Law, by a lease dated the first day of October, in the 21st year of his reign.—*Vide* Dugdale, *The Four Inns of Court*, etc., p. 240.

mentioned to be performed. And they purchased these houses and lands accordingly, and made ordinances how the priest should be maintained, and agreed with the executors of Dalby for finding him perpetually. They received the £400, and obliged themselves *ac omnia bona sua ad performandum*, etc. The Dean and Chapter employed £8 yearly for the maintenance of a priest, and other sums for the maintenance of an obit.

These lands were, in the 1st year of Edward VI, certified to be employed for a chantry, and that the King had it as chantry-land, and gave it to Sir Edward Mountague. All this appeared upon a special verdict in the Court of Common Pleas ;[1] where it was adjudged contrary to the opinions of Daniel[2] and Warburton[3] (there being five judges then in that Court),[4] that these lands were not given to the King by the statute of 1 Edward VI, because there be not any lands given by Dalby, and his intent cannot make a chantry. And the Dean and Chapter did not make any chantry or appoint any land thereunto, but obliged their goods for the payment of an annual sum to the priest, and the sum paid is not out of this land only, but out of all their possessions.

These large possessions spangled and embroidered, as you see, with great privileges did much elevate this body. It became as much greater than the city of York, as the gates of Mindus were than the city of Mindus.

From this root did spring many unhappy differences between the City of York and them. Some of them are mentioned in the book called *Magnum Registrum Album.* I hope they shall all now rest in perpetual oblivion.

In the year 1275, and in the fourth year of King Edward, son of King Henry, "xv Calend. Aprilis coram Roberto de Nevill,[5] Alexandro de Kirkton,[6] Johanne de Reygate,[7] Ricardo de Chaccum, and Willielmo

[1] M. 2, Jac. C. B., Holloway et Watkins,—T. W.

[2] William Daniel (D'Anyers): Entered Gray's Inn 1556; Reader 1579; Deputy Recorder of London 1584; Serjeant-at-Law 1594; Just. C. P. 1604.—Foss, *Judges Eng.*, vol. vi, p. 135.

[3] Peter Warburton : Member of Lincoln's Inn 1561 ; Lent Reader 1584 ; Vice-Chamberlain of Chester 1593 ; Just. C. P. 1600.—*Ibid.*, vol. vi, p. 195.

[4] The other three were Edm. Anderson, George Kingsmill, and Thos. Walmsley. —*Vide* Dugdale, *Chronica Series.*

[5] Just. Itin. 1262. Also Sheriff of Yorkshire.—Foss, *Judges Eng.*, vol. ii, p. 429.

[6] Sheriff and Escheator of Yorkshire, 9 Edward I.—Madox, *Hist. of the Exchequer*, vol. ii, p. 175.

[7] Just. K. B. 1269.—Foss, *Judges Eng.*, vol. iii, p. 143.

de Northbrough,[1] et postea crastino quindenae Purificationis Beatae Mariae apud Eborum", between the Mayor and Citizens and Dean and Chapter an inquest was taken, and charged to enquire of certain articles, which I have seen, and they remain with the Dean and Chapter. But they are too long for this plan.

There is mention also made of this inter *Annales Monasterii B. Mariae Eborum*, ex Bibliotheca Bodleiana Oxon., 8°, w. 46. Theol. MS.

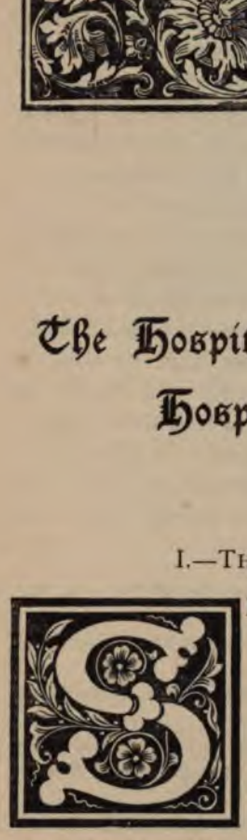
This was by grand assize of twenty-four knights who are all there named. And the verdict was given up at "Scarthburth" before the King and his Council as is said in *Annales Monasterii B. Mariae Eborum.*[2]

[1] Just. Itin. 1275.—Foss, *Judges Eng.*, vol. iii, p. 136.

[2] The articles and judgment, filling twelve folios, are struck out.

CHAPTER XIV.

The Hospital of St. Leonard, and the Hospital of St. Nicholas.



I.—The Hospital of St. Leonard.

SIR JOHN HAWARD[1] (*Three Normans*, fol. 220) doth observe that King William Rufus, of an old monastery in this city, founded a new hospital, and did dedicate it to St. Peter. This afterwards was augmented by King Stephen, and dedicated to St. Leonard,[2] whose name it hath since then retained, but he did not augment the possessions nor endowments of it, which, besides what they had from the Kings, did by piecemeal arise out of the Treasury of this hospital and grew into a great bulk. They were secular Canons, and did consist of a master and thirteen brothers, four secular priests, eight sisters, thirty choristers, two schoolmasters, two hundred and six beadsmen, and six servitors. It was of Royal foundation, and endowed by the Kings of England of a thrave of corn of every "plow land" in the counties of York, Cumberland and Westmoreland.[3] The following is taken out of the Coucher[4] of the Hospital of St. Leonard in the library of Sir Thomas Cotton :—

[1] The historian ; also spelled Hayward : b. 1564, d. 1627. Hayward quotes no authorities. [2] See p. 113.

[3] The like of this was done to the Church of Beverley, for King Athelstan gave to the Church of St. John of Beverley four thraves of corn of every "plow-land" in the East Riding of Yorkshire. *Vide* Selden : *Hist. of Tithes*, fol. 271.—T. W.

[4] In the Cotton MSS., Nero, D, iii, 1, there is *Registrum Chartarum et munimentorum Hospitalis S. Leonardi Eboracensis.* This record covers more than 200

"Be it remembered that in the year of our Lord DCCC, Egbert, King of all Britain, in the Parliament at Winchester, changed the name of the kingdom by the consent of his people, and commanded that thenceforth it should be called England. After which Egbert, in the year 924, Athelstan, after Edward the Elder, his father, crowned king at Kingston, in Southwark, presently after his coronation overcame Hobel, King of Britain, and Constantine, King of the Scots, which Constantine the said Edward had made King of Scots, saying, 'The glory was more to make a king than to be a king.' And the same King Athelstan, in his return afterwards from Scotland, whilst he was in the City of York, and the monastery also of Blessed Peter there, gave thanks to God and Blessed Peter, that he was, in safety, returned home with victory. Seeing in the said Church of York religious men of honest conversation called at that time *Colidei*,[1] who were very charitable, and had but small means, he granted to God and Blessed Peter, and to the Colidei aforesaid, and to their successors for ever, that they might better give to the poor that

leaves of large-size vellum, and is justly accounted a fine manuscript. It was written about the time of Henry V.

Other documents in the Cottonian Library, besides this Register, referring to the Hospital of St. Leonard are:

(1) Vitellius, A, ii, 24; *Inquisitio inter R. Henricum III et Decanum et Capitulum Hospitalis Sci. Leonardi.*

(2) Vespasianus, F, xiii, 60; a grant of the Wardenship of the Hospital of St. Leonard in York to George Nevill, the King's cousin, upon the surrender of William Scroop. Signed by many of the Council, Jan. 14, 1457.

There is also a *Chartulary* of this hospital among the Rawlinson MSS., Oxon.

[1] "An ancient religious order in Ireland and North Britain. The etymology of the name is doubtful; some suppose it to come from the Gaelic *kill*, "a cell", and *dee* "a house", and to imply that they were dwellers in a cell-house; but there is nothing in their habits to bear out this supposition. It is more likely to be derived from the Celtic *céle-dé*, servus Dei, Latinised into *colidei*. This appears to have been the earliest order of Monks among the Celts of Britain, and the name was in course of time given to all, whether in Scotland, Ireland or Wales, who gave up the secular life for the religious. The head of the original order was the Abbot of Iona, but he ceased to be so as the order spread far and wide over Great Britain. Dr. Hook says that they included also cathedral canons, who were frequently married, but lived near their cathedral, with an abbot or prior at their head. Some of the Scottish cathedrals, *e.g.*, St. Andrew's and Dunblane, were entirely served by them. Though originally independent of Rome, they came in course of time to adopt Roman customs as the other monks did, under the centralising influence of the Middle Ages. All trace of them disappears after the thirteenth century. An interesting account of the Culdees will be found in Mr. Skene's *Celtic Scotland*, vol. ii."—Blenham: *Dict. Rel.*, p. 298. *Vide ante*, p. 200.

Sir Thomas has a marginal note here which says:—*Vide* Mr. Jno. Selden in *Preface* to the old monks set out by Mr. Bee.

flocked to their house, keep hospitality, and do other works of piety, of every plough going in the Bishopric of York, one thrave of corn in the year 936, which to this day is called PETER CORN. At those times Kings, by their special power, might give and assign such thraves to religious houses. And notwithstanding, the King had the thraves aforesaid to him and his successors by the consent of the inhabitants of the Bishopric of York, on condition to destroy the wolves that were pernicious to the country: for there were then in the diocese such a number of wolves that they had almost devoured all the cattle the villains had. Which wolves, being killed by King Athelstan, and the same Colidei, in process of time, being endowed of lands by the gift of faithful Christians, and especially by Thomas the elder, to whom King William the Conqueror gave the aforesaid Bishopric at Whitsuntide, in the year 1069 (which Thomas did also build the church of York and greatly enriched the clerks thereof), the same Colidei in the city of York on the King's waste, which the King gave them to make their structure upon, together with the said thraves, did found and erect a certain hospital or almshouse for the poor of the city, to which poor they assigned the thraves aforesaid. And the same Colidei or clerks chose one of themselves to be Master for the better governance of the same poor, and for the preservation of their rights in the mentioned thraves. And the said William the Conqueror, at the request of Thomas, Archbishop aforesaid, not only confirmed the gift of the thraves aforesaid, made to the hospital aforesaid by the same Colidei or clerks, but also by his prerogative as Conqueror for the greater security thereof, of his abundant grace, gave the said thraves to the hospital aforesaid. William Rufus, the son of the Conqueror, aforesaid, the King immediately succeeding, founded or changed the site of the said hospital unto the King's place where it is now sited, as appears by many houses still standing in the said hospital which were anciently employed to the King's use. And he gave and confirmed the said thraves to the hospital aforesaid, as the Conqueror his father had done. And the same hospital from the time of its first erection or foundation until the time of King Stephen was called the hospital of St. Peter, and their present common seal hath this about it, 'The Seal of the Hospital of St. Peter of York.' But the same Stephen built in the said hospital a certain church in the honour of St. Leonard. And the same Colidei from the same year of our Lord 936, for the space of near one hundred years held and peaceably enjoyed the thraves aforesaid."

The grant of the thraves of corn was confirmed by Pope Adrian IV, in the year of our Lord MCLVI, and by Pope Celestine the Third in the year MCICIII.

Vide *De primeva ejusdem fundatione per Regem Willielmum II*, etc., *concernent statum*, etc., *ejusdem exempl. inquisitionis* :—

Pat. 10 Edward III, p. 1, m. 12 ; Pat. 5 Edward III, p. 2, m. 5 ; Pat. 7 Henry V, m. 5 ; et Claus. 10 Henry VI, m. 17 *in dorso*.

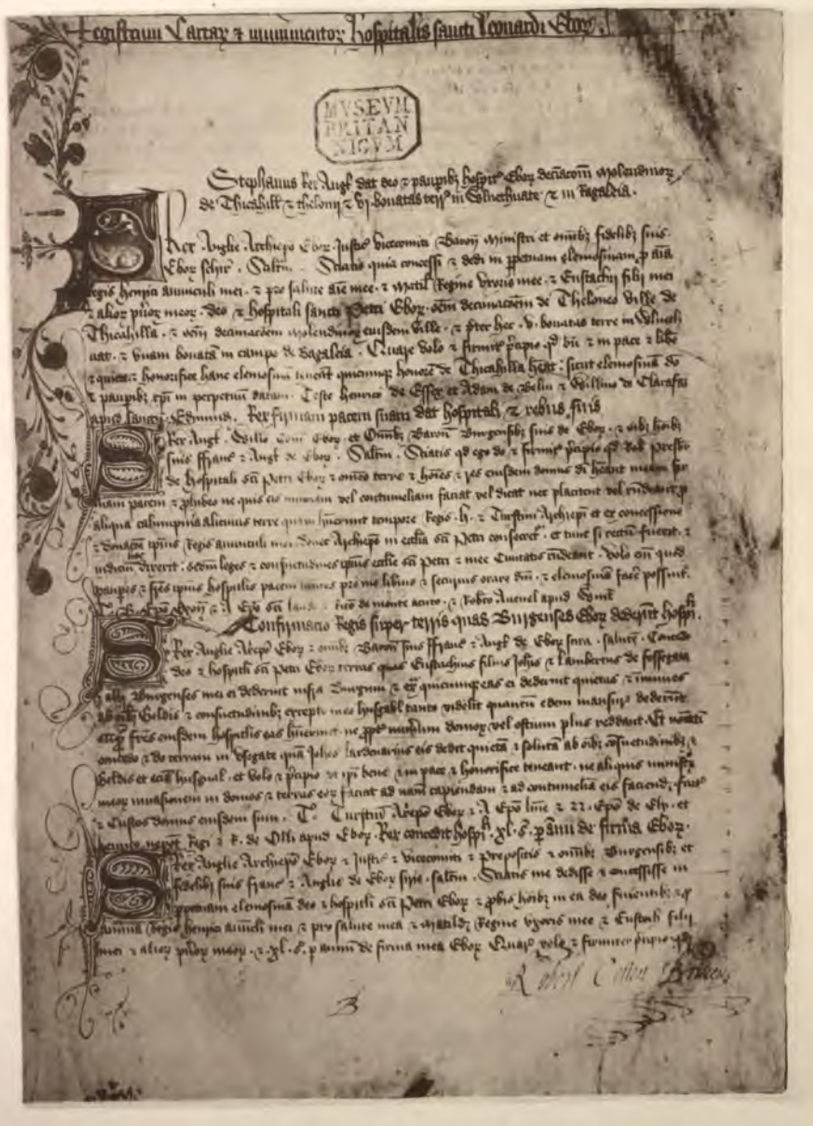
The Jurors between King Henry III, and the Chapter of Blessed Peter of York, concerning the right and possessions of the lord the King, and concerning the Hospital of St. Leonard of York : They say upon their oaths that a certain King before the conquest in the time of *Engleschyry* gave them that served the Church of St. Peter of York, then called Colidei, who are now called *Canonici*, of every carucate of land of the whole county of York one thrave of corn, so that when after the conquest there grew a great famine in the land, these Colidei did out of their revenues do many good deeds to the poor, by reason whereof many rich and noble men gave them lands, possessions and money, with which money they afterwards purchased much land, so that they came to King William the Conqueror, and beseeched him that he would bestow upon them a certain place on the west part of their Church where they might build a certain hospital ; who freely gave them his grant. And he built there the aforesaid hospital and gave them for maintenance thereof the foresaid thraves, etc.

In the end of the Coucher ot St. Leonard, in Cotton's Library (Pat. 3 Edw. II, m. 34) :—

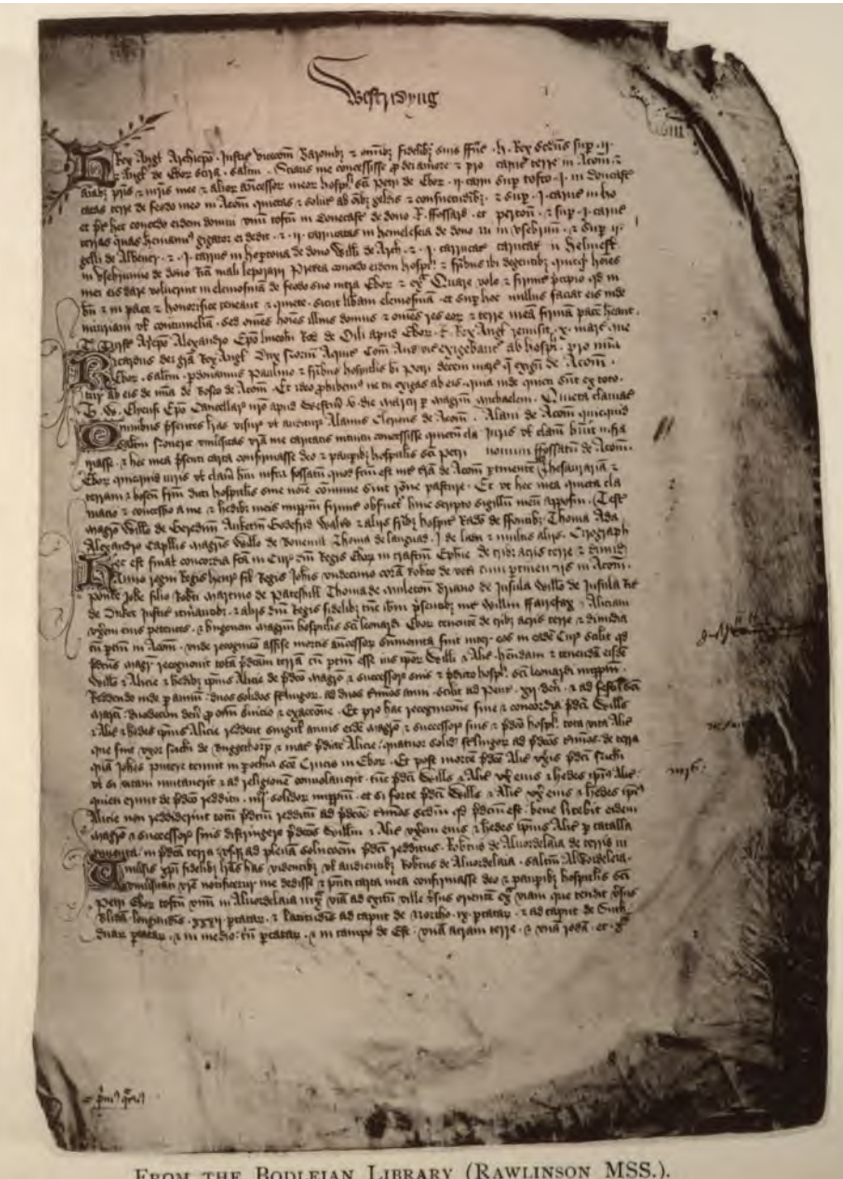
" Be it known to all, etc., that I Clement, Abbot of the Church of St. Mary in York, with the common counsel and assent of the Chapter, have granted and given to God, and the poor of the Hospital of St. Peter of York, all parochial right, as well in living as dead, that belonged to our Chapel of St. Olave in that land, in the which the foresaid poor first had an orchard, to wit, in St. Giles Street, that it be lawful to them to build upon that land for the benefit of their house. This land, in the front thereof, near the way, containeth 21 perches (and a perch ought to contain 16 foot and a half), which land begins at the stone cross, and extends northward to Bar Dyke, and from the King's way to the dyke which is called Wyrche Dyke."

I find very great care taken for the payment of the thraves aforesaid. In the 25th year of King Edward III,[1] the King sent out a commission to William de Hoton to inquire of some alms annexed to this hospital, which is of the King's patronage, that is to say, of every carucate of land, a thrave of corn, of which the hospital had been seised time out of mind, as it is there said, from their first foundation by the

[1] 25 Edward III, fol. 50 and fol. 56 in the book at large, and F. Barr, 288.—T. W.



From the Cotton Library. (This folio is quoted p. 225.)



From the Bodleian Library (Rawlinson MSS.).



King, and confirmed by the bulls of the Apostle (for the Pope is so called in that case). And he was to inquire by whom they were withdrawn.

He found the seisin of the hospital, and that those thraves were withdrawn by the Archbishop of York, and the Abbot of St. Mary, and others. This presentment being returned into the King's Bench, process was issued against the parties to answer as well to the King as to the Master of the hospital. It was said by the defendants that the Master had remedy for those thraves at law; yet afterwards issue was taken upon the seisin of the Master and his predecessors. But it appeared that the Master had no remedy at law for those thraves. And therefore, in after time, the statute of 2nd Henry VI, c. 2, was made for the release of the hospital in that behalf, which statute mentions the hospital to be of the foundation of the Kings of England, and to have been endowed in the first foundation by the progenitors of the King of a thrave of corn to be taken yearly of every plough earing within the said counties, of which thraves the "Master and Brethren have been seised time out of mind, but now of late divers people have withholden the said thraves, for which the hospital had no remedy by the common law as complaint had been made (to) this Parliament". And for remedy therein it is enacted by the said statute, "that he may levy, gather, and take the said thraves in the places where they of right ought, and were wont, after the custom and usage formerly had, and may have actions by writs, or plaints of debt or detinue, at their pleasure, against such as shall detain the said thraves to recover them with their damages. But for such proprietaries as have compounded with the Master and Brethren they shall be no further charged than what is comprised within their compositions".

King Stephen did give "in perpetuam eleemosynam" to this hospital "omnem decimationem de theolonio ville de Thicahilla et omnem decimationem molendinorum ejusdem ville, etc. Teste Henrico de Essex, et Adam de Belyn, et Willielmo Clarasay. Apud Sanctum Edmundum."[1]

William de Mowbray, by his charter, which is called *Charta Willielmi de Mowbray in Turri B. Mariae Eborum*,[2] recites that Roger de Mowbray, his ancestor, had given to this hospital the ninth sheaf of all the corn growing within all his lordships in England. And William did, by this last charter, confirm it. This grant of Roger de Mowbray was in King Stephen's time.

[1] In Reg. Chart. S. Leonard Ebor. in Bib. Cotton. Selden, *Hist. Tithes*, p. 336.—T. W.

[2] "Charter of William Mowbray, in the Tower of St. Mary, York." This appears to have been written prior to the destruction of the Tower of St. Mary.

There were formerly many hospitals in this city. And such hath been the fate and injury oft time upon the city itself that most of the inhabitants may stand in need of the benefit of an hospital. But it is to be lamented that the number of hospitals is decreased, since the number of the poor of the city is increased. I shall spend most of this chapter in this hospital which was the greatest, and is long since mouldered to ashes.

A commission, issued the 15th day of November in the 8th year of King Edward I (which was exemplified in the 7th year of Henry V), directed to Alan de Walkingham[1] and John de Lythgraynes[2] to certify the King of the state of this hospital, the advowson whereof he had then lately recovered by judgment, and for that purpose to inquire by the oaths of knights and other good men of the city of York, both of the ancient and modern state of that hospital: and a writ to the Sheriffs to summon knights and others to appear before them. By virtue whereof an inquisition was taken by the oaths of Sir William Holtby and six other knights, and divers gentlemen, and some clerks, and citizens. Several points were inquired and found. I shall only mention the first article, which makes most to my purpose, which was concerning the state of the hospital, as to which they found shortly thus:—

1. That William II founded this hospital and a chapel there, and in honour of St. Peter called it The Hospital of St. Peter of York, and founded it for the sustentation of poor people, made a master and custos, and brethren, chaplains, and also sisters, and gave unto them certain thraves, which are called, by reason of the chapel, The Thraves of St. Peter—that is to say, of every carucate of land in the counties of York, Lancaster, Westmoreland and Cumberland, one thrave of every sort of corn. This he did by charter, which the Dean and Chapter have seized upon and detained.

2. That Henry I gave unto them the common which they have in the Forest of *Eborackshire*, with pasture for all their cattle, and wood to burn and build withall: and this he did by his charters.

3. King Stephen, in the King's street, which joined upon the hospital, did at his own charge build a church for the said hospital in

[1] Alan de Walkingham, whose family had considerable possessions in Yorkshire, was appointed in 8 Edward I (1280), one of the Justices to take Assizes in several counties.—Foss, *Judges of England*, vol. iii, p. 169.

[2] John de Lythegrenes is first mentioned in 52 Henry III, when he was employed on the part of the King against the Mayor of Newcastle-on-Tyne. He was appointed Sheriff of Yorkshire in 8 Edward I, and held the office for five years (Rot. Parl., 1, 29, 38). He was one of the Justices Itinerant in 1293.—Foss, *Judges of England*, vol. iii, p. 124.

honour of St. Leonard, and changed the name of the hospital to St. Leonard.

4. King Henry II gave to this hospital Acomb Grange and divers other lands and rents.

5. King Richard I did confirm all the gifts of the former Kings and of other donors.

6. King John did likewise confirm the same. And after two years space in the time of the wars of King John against the Barons, the Dean and Chapter did with force and arms eject the Master of the hospital and made a Master of their own, and usurped the advowson of the hospital.

7. King Henry III did confirm all their grants and gave the lands in Easingwold unto them.

As I have said before several other points were inquired of and found, but they are too tedious for mention.

They were not subject to any visitors, but to the King or his Deputies. The ordinaries had no power to make visitations in the court of St. Giles of York, nor in the church of Boghes which they held to their proper use. But in other churches, viz., Saxton, Newton, and Rufforth, they were visitable.

The Master had nothing proper to himself but reliefs, perquisites of courts, and alterages, which he might dispose of in small gifts and courtships for his own honour, and the honour of the house, as he should see expedient. He was to deliver the common seal of the house to the keeping of two of the brethren, under the seal of the Master.

A decree in the Star Chamber mentioned in the dialect of that time, in which it was written: In the eighth year of King Edward the fourth,[1] the Master and Brethren of this hospital complained to the King and his Council in the Star Chamber, that Hugh Hastings, Knight, John Womwell, Alexander Drax, Thomas Methelay, Squires, Richard Jackson and others, "by their stirying in the Courte of York late have withdrawen and withdrawe from the sayd Hospitall a yerely profitte and commodite called thraves of corne, otherwise called Petercorne, beseching his good grace, consideryng that the seid hospitall is not of power to sue the redresse therof aftire the cours of his commune law, to ordeign theime a convenable remedie and provision in that behalfe. Wheruppon the said Hugh, John, Alexander, Thomas, and Richard, called by the King's auctorite and commandement apperyng in his counsaill, answered to the said complaints. To which answer

[1] Pat. 8 Edward IV, p. 3, m. 14: Pro Magistro et fratribus Sancti Leonardi Eborum.—T. W.

by the partie of the seid hospitall it was replyed: And agenward by the said Hugh, John, Alexander, Thomas, and Richard thereto rejoined. Which complainte, answere, replication, and rejoynder, afterward by great deliberation radde and understand, either partie allso herd oftentymes in that he coude seie and allegge for him to the entent ripely to understande and know the clerness of the trouthe, that Justice and Equity might duely be mynystered accordyng unto right and conscience. Oure seid souveraigne lord the King committed the examinationn of the right and title therof first unto John Markham[1] and Robert Danby,[2] Knights, his Chief Juges of his Benche and Commune Place, and after that unto his right trusty and right well belovyd cousyn the Erle of Warrewyk and unto the seid Chief Juges. Afore whome, not oonly in the Escheqer Chambre at Westm. but allso afore his highnesse atte dyvers tymes in his playne counsail. There the seid matier, by the seid partyes was playnly opened and understande, and the title and right of the seid Maister and Brethern therein to the Kings Highnesse and theime severally shewid, that is to say, the seid Maister and Brethern and their successours to have yerely of every plough erande within the countees of Yorke, Westmerland, Cumbreland and Lancastreshire, within the province of Yorke, a thrave of alle manere of corne such as by such plough were gayned at the Fest of S. Martin in wynter. For the right title and possession wherof the seyd Maistre and Brethern shewid confirmations of the same thraves to the seyd hospitall as well of King William Conqueror, progenitours to oure sayd souerayne lord by thees words: 'Illam antiquam eleemosynam super quam dictum Hospitale fundatum existit videlicet de qualibet caruca in Episcopio Eborum travam unam bladi',[3] as the confirmations therof of the King's progenitours King Henry the seconde, and King Henry the thirdde by expresse words making mention of the seyd thraves, and of alle other progenitours of our seyd souveraigne lord successifly sith the seid conquerour, Kings of England, and the confirmation allso of the seid oure

[1] His father is mentioned on p. 62, and in note 3 on that page. The son, because it was held that he suffered for conscience sake, was popularly known as the "upright judge" (*State Trials*, vol. i, p. 894; Fuller, *Worthies*, vol. ii, p. 207). He was Just. K.B., 1444, and Ch. Just. K.B., 1461. The last ten years of his life were spent in retirement, "discarded but not disgraced", and he died in 1479. Foss, *Judges of England*, vol. iv, p. 441.

[2] Just. C.P., 1452; Ch. Just. C.P., 1461. Probably he died about 1471. Foss, *Judges of England*, vol. iv, p. 426.

[3] "That ancient charity upon which the said Hospital was founded, viz., one thrave of corn from every plough in the Bishopric of York."

souveraigne lord of the same ; And over that the Letters Patentes of the high and mighty prince, of blessid memorie, the Duc of Yorke, fader unto oure seyd souveraigne lord the King, than protectour of Englande, whome God pardon, affermyng and declaryng the right, title, and possession of the seid Maister and Brethern in the same thraves ; And besides this, confirmations of Dukes, Bishopes, Erles, Barons, Knights, and other persons afore this, lordes, and greet possessioners of honours, castells, lordships, maners, fees, seignuryes, and other possessions, within the said Bishoprice, and countees, then contributories and chargeable to the paiement of the same thraves ; And compositions of Abbottes, Priours, and other sp.uell persones ; Divers recoverees allso of Record, at the commune law, of the seyd thraves as well agenst the Archebisshop of Yorke for the tyme being, the Abbot of Saint Marie Abbey of Yorke, and other greet and notable persones, sp.uell and temporell within the said partyes, at divers times, by the predecessours of the sayd Maister and Brethern, had as well by tryall as be knoulache ; And the awardes and decrees by solempne greet avis and deliberation atte severall tymes made as well by John late Erle of Shrowesbury as by William Babington[1] Knight than Chief Justice of the Commen Benche and Justice of Assize within the seyd shire of Yorke, betwyxt the predecessours of the seid Maister and Brethern, and the inhabitants of the said partyes and countree, whereby the right title and possession of the said Maister and Brethern of the said thraves was and is affermyd, and the said inhabitants to the payment therof charged. Ther was shewid allso a statute and Acte of Parlement which concerneth, declareth, and affermeth ye planne and open title of the seyd Maister and Brethern therein ; And allso bokes of collectes and accompts shewyng and provyng reall possession of the said Maister and Brethern in the said thraves and of ye yerely receyte therof ; And over all this dyvers Bulles of Popes confermyng the same, and allso letters of the blessid martyr Saint Thomas of Caunterbury, and the holly confessours Saint William of Yorke, under ther seeles, and of many and divers other archebisshops and bisshops conteignyng greet matier and sentence of cursyng agenst the withholders of the same thraves, their counsellours, comfortours, and abettours. By the which the right, title, and possession of the said Maister and Brethern in and to the said thraves was thought unto the said Erle and Juges, as they saide, good, true,

[1] William Babington held the office of Chief Baron of the Exchequer (appointed 1419), and a place on the Bench of Common Pleas (made a Justice 1429) conjointly. He became Ch. C. P. 1423, and sustained the presidency of that Court thirteen years. He died in 1455.—Foss, *Judges of England*, vol. iv, p. 283.

and effectuell, and the matier shewed and allegged by the said Hugh, John, Alexander, Thomas, and Richard in this partye agenst the sayd Maister and Brethern of noo substance to avoyde the right and title in this behalve of the said Maister and Brethern.

"Oure seid souveraigne lord the King in the Sterre Chamber at Westminstre the XXIth day of Iuyll in the VIIIth yere of his reigne, having consideration to the premisses, also howe in substance, by the seid thraves, otherwise called Peter-corne, the seid Maister, XIII Brethern, IIII secular priests, VIII sustres, XXX chorestiers, two scole-maistres (oon to the Grammer, another to the Musyke), CCVI bedemen and wymen, and VI servantes to kepe them in sykenesse and disease in the said hospitall, have and must be susteigned and kepte; Considered, allso the long prescription, generall custume, and commune opinion, and fame of the right, title, and possession in and to the seid thraves of the said Maister and Brethern, willing divine service, finding and sustentation of the seyd Maister, Brethern, and other persones above rehercid, not to be dimunisshed, hurt, disperbuled, nor dissolved, but rather to be continued, amplyed, and encreced to the pleasur of All Mighty God, and promotion of vertue:

"By the avis of his counsaill willed, ordeigned, and decreed that as well the said Hugh, John, Alexander, Thomas, and Richard, as every other persone of what astate, degree, condition he be, havying, or that, atte any tyme hereafter, shall have any such plough eryng within the seid countees, paye and deliver yerely to the seid Maister and Brethern of the seid hospitall, according to their seid right, title, and possession a thrave of all manere of suche corne as by the said plough yerely happith to be gayned at the Feste of St. Martin above said, excepte suche persone or persones as by composition and wryting betwyxt thayme and the seid Maister and Brethern be agreed to paie a certayne (sum) therfore, which persone or persones the King, by the avis above seid, woll they paye and deliure yerely to the seid Maister and Brethern and to their successours their duetee for the seid thraves or Peter-corne according to such composition or writing; And allso that as well the said Hugh, John, Alexander, Thomas, and Richard as other inhabitants within the seid countees paie and contente unto the seid Maister and Brethern all that is behinde, withdrawen, and not payed of the seyd thraves, otherwise called Peter-corne, in time passed hiderto. And heruppon, and for the execution of the same to be doo and observed in manere and forme above reherced in tyme commyng. And the Chancellor of Englande and Keper of the King's prive seel for the tyme being doo make from tyme to tyme suche and as many writtis of proclamation and othirwise and allso letteres under the King's greet and prive seeles to be

directed as well unto the Shirrefs of the seyd countees and everyche of theyme, as unto other suche as it shall apperteigne in this partye, as unto the sayd Maister and Brethern and their successours shall be thought necessarie and in any wise behovefull ; And over this Letters of Exemplification of this presente Act under the seid seeles and either of them, if it soo shall bee desired by the seyd Maister and Brethern for and in perpetuell remembrance therof in time to come.

"Present ther lords :—

"The Archebissop of Yorke. The Bisshops of Bathe (Chancellor of England), Durhame, and Rouchester (Keeper of the King's Prive Seel). The Erles of Warrewyk, Essex, and Northumberland. The Priour of Saint John's of Jerusalem in England. Maister Thomas Kent and William Notingham.

"Sic signatum Langport. Nos autem tenorem acti praedicti ad requisitionem magistri et fratrum Hospitalis praedicti duximus exemplificandum per praesentes. In cujus rei testimonium has literas nostras fieri fecimus Patentes. Teste Rege apud Westmonasterium xv° die Novembris.

"Per breve de privato sigillo et de data, etc."[1]

This I have given unto you in the proper language and dialect in which I found it written.

Besides the revenue, which was co-eval with the hospital, this hospital had great possessions in lands and rents.

In the time of Henry III they had by the grant of Richard Talbot one toft in Conegeston[2] in Craven, two acres and a half of land, and common of pasture for 100 ewes and lambs, twenty beasts, and two horses, but I cannot insist upon the particulars.

Inter Brevia Regis[3] de anno primo Richardi II, No. 26, in Turri London :

King Richard II, *tercio Novembris* in the first year of his reign, sent a writ to Roger de Fulthorp, mentioning a commission sent by King Edward III, in the 49th year of his reign, directed to him and others to visit this hospital and to perform other things in that commission mentioned, and to certify the King what was done therein. Whereupon that commission and all the proceedings

[1] "Signed thus, Langport. And we, at the request of the Master and Brethren of the aforesaid hospital, have resolved that the tenor of the aforesaid Act be exemplified by these presents. In witness of which thing we have caused these our letters to be made Patent. Witness, the King, at Westminster, the 15th day of November.

"By writ of the privy seal, and of date, etc."

[2] Conegeston = Coniston.

[3] See p. 187, note 2.

thereupon were certified to the King in Chancery whereby the possessions of the hospital, the increase and diminution of the revenues, the number of the brethren, and the sisters, and choristers, and officers are all particularly set forth.

I find the following by the collections of Tenths and Fifteenths in the Exchequer in the time of Henry V of England, the title whereof is thus:—

Particulae compotorum collectionis unius decimae quintae et decimae omnium comitatuum et singularum civitatum totius Angliae Regi Henrico quinto anno regni sui tercio a laicis concessarum prout particulariter annotatur inferius in isto libro.[1] There, fol. 196, in the title of *Libertas Sancti Leonardi*, is

	s.	*d.*
"Lugate, Rawneby, Lokington, North lane, South lane, Bromflette, Hoplington	CIII	IIII."

These were their possessions in the East Riding only.

And as for their liberties in other parts of the county of York I find in the same book, fol. 186:

	s.	*d.*
"De tenementis of the Liberty of the Hospital of St. Leonard in the towne of Bramhop, Ribston, Nappay, Caupemowthorpe, Halgh, Ulthwayte, Lethelay, Stockhill, Middleton, Wicheton, and Doncaster	LXXIII	IIII."

I have seen the Chartulary of their possessions and of the conveyances and grants of them, whereby it appears that they had lands in several towns of the county of York, and the county of the city of York.

As their lands were great so their privileges were many.

I find amongst the pleas of the King's Bench at York in Easter Term in the 1st year of Edward III:

[1] "Particulars of the accompts of the collection of one fifteenth and tenth of all the counties and single cities of all England, granted by the laity to King Henry the Fifth in the third year of his reign, as is set forth in detail below in this book."

"Eborum Rot. 46: Allocatur Libertas sancti Leonardi Eborum quod omnia placita sua terminentur infra portam dicti hospitalis."[1]

And in the 12th year of Edward I, Chart. Rot., m. 4:

"Pro magistro et fratibus Hospitalis Sancti Leonardi Eborum."

And *ibidem*, m. 5: There is a grant made to the Master and Brethren of the hospital of a market and market cross, etc. But at the latter end it is thus said: "Memorandum: That the same Charter was restored to the Chancellor by the command of the King. The reason there rendered is because it was granted to the nuisance and damage of the citizens of York."[2]

Since the dissolution of it the site of it hath had the name of the Mint-yard. There was an attempt in the year 1637 and 1638 to have erected a mart in it, but upon an *Ad quod damnum*[3] it came to nothing, because it was found to be to the great damage of the City.

This hospital had return of writs and other liberties granted unto them (Pat. 4, Edward II, p. 2, m. 10, *in dorso*).[4]

They had felons' goods *omnium tenentium suorum*, as appears by the book case of 22 Ass., p. 49; but in that case it was adjudged that where John at-Hill, of Flawith, one of their tenants, was attainted of treason that they should not have the forfeiture of his goods.

For their thraves of corn in the counties before mentioned, *vide* Pat. 4 Edward I, m. 5 et 6;[5] et Pat., 52 Henry III, m. 34[6]: "Rex mandavit vicecomitibus Eborum, Cumbriae, Westmorlandiae, et Lancastriae quod distringant omnes detinentes, etc., travas bladorum,[7] videlicet de singulis carucis arantibus in comitatibus praedictis unam travam, videlicet ad sustentationem pauperum Hospitalis praedicti."[8]

[1] "The liberty of St. Leonard of York, that all its pleas be determined within the gate of the said hospital, is allowed."

[2] These two references are incorrect. *Vide* 22 Edw. I, mems. 4 to 10, all of which relate to this hospital.

[3] *Ad quod damnum* is a writ to the sheriff to enquire what damage it may be to others for the king to grant a fair or market; or for the king, or any other person, to give any lands holden in fee simple to any house of religion, or other body politic.

[4] Walter, Bishop of Worcester, Master of the Hospital of St. Leonard, complains that Nicholas, son of Capin, Mayor of the City, had infringed the liberties and immunities granted to the said Hospital by the late King, etc.

[5] The Calendar (pub. 1802) quotes m. 3. This is an error. Sir Thomas is correct.

[6] The roll is re-numbered. The number given here is the old one. The present number is 33.

[7] See also Pat. 4 Henry V, m. 12, and Pat. 8 Edward IV, p. 3, m. 14.

[8] "The King commanded the Sheriffs of York, Cumberland, Westmorland and Lancashire to distrain all those who keep back, etc., the thraves of corn, viz., from each several working plough in the aforesaid counties one thrave, viz., for the sustenance of the poor of the aforesaid Hospital."

They had liberty to enclose their wood of Beningbrough, containing 36 acres, and to make a park (13 Henry VI, m. 27).[1]

They had liberty to cut wood in their park called Beningbrough, in the Forest of Galtres (Claus. Rot. 10 Richard II, m. 9).

Walter, Bishop of Worcester, Master of this hospital, did make complaint that he was hindered of divers of his liberties by the Church of York (Edward II).

You may find an inquisition, in 49 Edward III, of all the lands and profits of this hospital, and of all their alms and works of charity. It is exemplified in 1 Richard II, No. 26; and Claus. Rot. 10 Edward III, m. 19, *in dorso*.[2]

This hospital was, as is shewed before, of the King's foundation, and you will find it visited (Pat. 8 Henry IV, p. 2, m. 3 et 8; Pat. Henry V, m. 20[3]) by the Bishop of Ely, Chancellor of England.

II.—The Hospital of St. Nicholas.

The Master of this hospital did arraign an assize against William de Selby of tenements in the city of York and Gorton (Pat. 4 Edward I, m. 28).

There is a confirmation and pardon of divers messuages and lands purchased by them without the King's licence (Pat. 1 Henry IV, p. 6, m. 6).[4]

There is an inquisition of lands and tenements belonging unto them, but withdrawn from them (Esch. 30 Edward III, No. 43).

There is an ample confirmation of all their ordinances, charters, and privileges (Pat. 21 Richard II, p. 3, m. 31).

The like for some messuages, and tenements in Fishergate, Walmgate, and Micklegate, appears in Pat. 22 Richard II, p. 3, m. 8.

There is an inquisition of a carucate of land granted unto them by Maud the Empress, which was granted upon this condition, that the brethren of the said hospital should find to all lepers which should come to the said hospital in the vigils of the Apostles Peter and Paul these victuals, afterwards mentioned, bread with butter, salmon and cheese (Esch. 3 Edward I, No. 76).[5]

[1] Reference incorrect. Does he refer to Pat. 13, Edward I, m. 25?

[2] A writ directing obedience to the Master of the hospital. Sir Thomas also quotes Inquis. 17 Edward II, m. 197, which is an evident error of the scribe.

[3] *Anno primo*, and *Quinta pars*.

[4] This exemplification, by King Henry IV, of the pardon granted by Richard II, refers to the "Hospital de Fisshergate", not the Hospital of St. Nicholas. Sir Thomas mentions this "Hospital de Fisshergate" in the next chapter.—*Vide* p. 237, No. 11.

[5] Further references to the Hospital of St. Nicholas: Pat. 20 Edward I, m. 23; 22 Edward I, m. 14; 22 Richard II, p. 3, m. 8; 10 Henry IV, p. 1, *in dorso*.

CHAPTER XV.

Lesser Hospitals in the City of York and Suburbs.[1]



HERE was an hospital of St. Mary[2] in Bootham,[3] which was founded[4] by Robert de Pickering,[5] and did consist of one secular chaplain and of two other chaplains and six priests. The Church of Stillingfleet was appropriated unto them.—The King's Letters to the Pope, 14 Edward II, m. 3.[6]

(2) According to Leland, in his *Itinerary*, there was an hospital northward above Fossbridge, of the foundation of the merchants of the town, and dedicated to the Trinity.[7]

(3) There was a place of the Bigots hard within Layerthorpe Gate, and by it an hospital of the Bigots' foundation. But Sir Francis Bigot let both the hospital and his house go all to ruin.[8]

(4) There was a foundation of an hospital hard without the very side of Micklegate, of the erection of Sir Richard of York, Mayor of York,

[1] A note in the margin says : "This must begin a new leaf, being intended for a new chapter."

[2] St. Mary Magdalene.

[3] Near the south-west end of the present Union Terrace.

[4] In 1330.

[5] Dean of York.

[6] It was converted into a free grammar-school by King Philip and Queen Mary, and was afterwards absorbed into St. Peter's School.

[7] Converted into a regular almshouse, Merchants' Hall, Fossgate. The charity shelters five poor men and five poor women, who also receive monthly 8*s.* 6½*d.*

[8] The site of this mansion is opposite the Church of St. Cuthbert, within Layerthorp Postern.

whom the commons of Yorkshire, when they entered into York, by burning of Fishergate, in the reign of King Henry VII, would have beheaded.[1] The foundation was never finished.

(5) There was a Chapel, and the Town Hall, above Ouse Bridge, on the east bank, with a guild and an hospital.

(6) The Hospital of St. Andrew.

(7) The Hospital of St. Catherine beside St. Nicholas.

(8) There is yet extant an hospital of St. Catherine, near to the place where St. James Church was.

(9) The Hospital of St. Anthony in Peasholme.[2] I am not certain whether this was an hospital or a religious house. There is a place still called St. Anthony's Hall. Because these dull relations, for so I fear they may prove to a quick-witted reader, had need to be savoured with some intermixture of some things more pleasant to the taste, though of less weight, I will here tell you the story of Saint Anthony as I have it from others. There was anciently a great feast kept at this hall, being dedicated, it seems, of old to him. St. Anthony's monks,[3] when they went a-begging to houses, for it seems they were mendicants, used to be rewarded well, for Saint Anthony's sake. If they were not rewarded with a very full alms, they used to grumble and say their prayers backward, and tell that Saint Anthony would be angry with them. There is a disease which is hot and burning in the flesh that is called "Saint Anthony's Fire", and the friars made the people believe that unless they set themselves devoutly to please Saint Anthony they should be plagued with this, but that by serving him it was to be cured by his merits. In time the people grew so devout to Saint Anthony, that when their sows pigged they set apart one, which they fed as fat as they could, to give Saint Anthony's monks, that they might not be plagued with this fiery disease. Hence

[1] In the reign of Henry VII, John à Chambre and others fermented a rebellion, of which Sir John Egremont was chosen leader, to oppose the levying of a tax imposed to maintain an army sent to Brittany by Henry to sustain the rights of Anne, heiress of Duke Francis. This rebellion was confined to Yorkshire and Durham, all other counties having readily paid the impost. Upon the suppression of the revolt Egremont escaped to Flanders, but Chambre and some of his associates were executed at York.

Fishergate was burned by the rebels; but, instead of restoring it, the city authorities caused it to be built up. See p. 77.

[2] An order of religious persons was founded in France in the year 1095, called the Order of St. Anthony, the members of which were to take care of persons afflicted with St. Anthony's fire.

[3] St. Athanasius refers to St. Anthony as the founder of asceticism, and the pattern for all monks.

came the proverb, "As fat as an Anthony's pig".[1] There is in one of the old windows in Christ Church, in this city, the picture of Saint Anthony,[2] with a swine rising up with its forefeet towards his middle.[3]

(10) The Spittle of St. Loy on Monk Bridge end.

(11) The Spittle House in Fishergate, beside St. Helen's.[4]

[1] This is interesting as a local setting of a familiar tradition, but, though several explanations are offered, no satisfactory solution of the association of St. Anthony and the pig is forthcoming. For an account of this saint see St. Athanasius, *Vita Sancti Antonii;* St. Augustine, *Confessiones*, VIII, and *De Doctrina Christiana* (prol.); Chrysostom, Hieronymus, Sozomenus; and Tillemont, *Mémoires*; Helyot, *Histoire de Ordres Monastiques;* Bollandus, *Acta Sanctorum;* also Cave, *Historia Literaria;* Milner, *Church History;* and Mrs. Jameson, *Sacred and Legendary Art.*

[2] Sir Thomas here refers to the Church of St. Saviour. The glass in this church has suffered complete destruction. The fragments, collected and placed, without any regard to order, in one of the windows, early in the present century, give no trace of this subject.

The following representations of St. Anthony are worthy of notice:—1. GLASS.—The church at Cartmell Fell, an outlying chapelry of the parish of Cartmel, Westmoreland, is one of the few churches in England dedicated to St. Anthony. In the east window there is a picture of this saint and the symbolic pig. The arrangement of the glass is by no means perfect, and there is a quantity of white glass inserted replacing the coloured, which, from time to time, has been broken. This representation answers the description, given by Widdrington, of the window or compartment formerly in the Church of St. Saviour, York, in the peculiarity of the pig being erect. 2. POTTERY.—Among the English pottery in the museum of the York Philosophical Society there is the mutilated figure of St. Anthony and his pig and crutch, made of brick earth, with a black glaze upon it. It is 13 in. high, and was found near St. Mary's Abbey in 1858. 3. PAINTING.—In the National Gallery, No. 776, St. George and St. Anthony are represented in conversation, by Vittore Pisanello, a Veronese painter of the fifteenth century. 4. SCULPTURE.—St. Anthony occupies a place in the second bay on the left, proceeding from the west end, in Henry VII's Chapel, Westminster. In these and the various other representations of this saint, the emblematic accessories include, besides the pig, a crutch staff or *signum tau*, a bell, and fire.



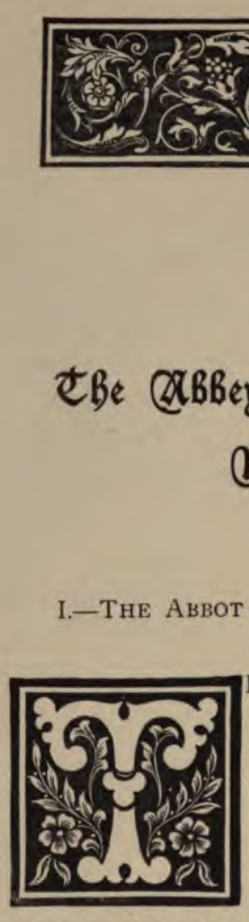
The Window in Cartmel Fell Church.

[3] Sir Thomas has a detached note respecting this hospital after the Dissolution. I have placed it in Appendix, No. 11.

[4] Maudlyn Spittal is mentioned on page 129. There have been several almshouses founded in York since the time of Sir Thomas Widdrington.

CHAPTER XVI.

The Abbey of St. Mary, and Other Religious Houses.



I.—The Abbot of St. Mary's without the walls of the City of York.

THE charters of this monastery are at large mentioned in the *Monasticon Anglicanum.* I shall only discourse on this abbey by way of a summary story.

This abbey was founded in the year 1088, as Stephen,[1] a monk, and afterwards abbot, of that abbey, reports.[2] The first foundation of it was contrived and framed at Gloucester, where were present Anselm, Bishop of Canterbury, and Thomas, Archbishop of York, and many others.

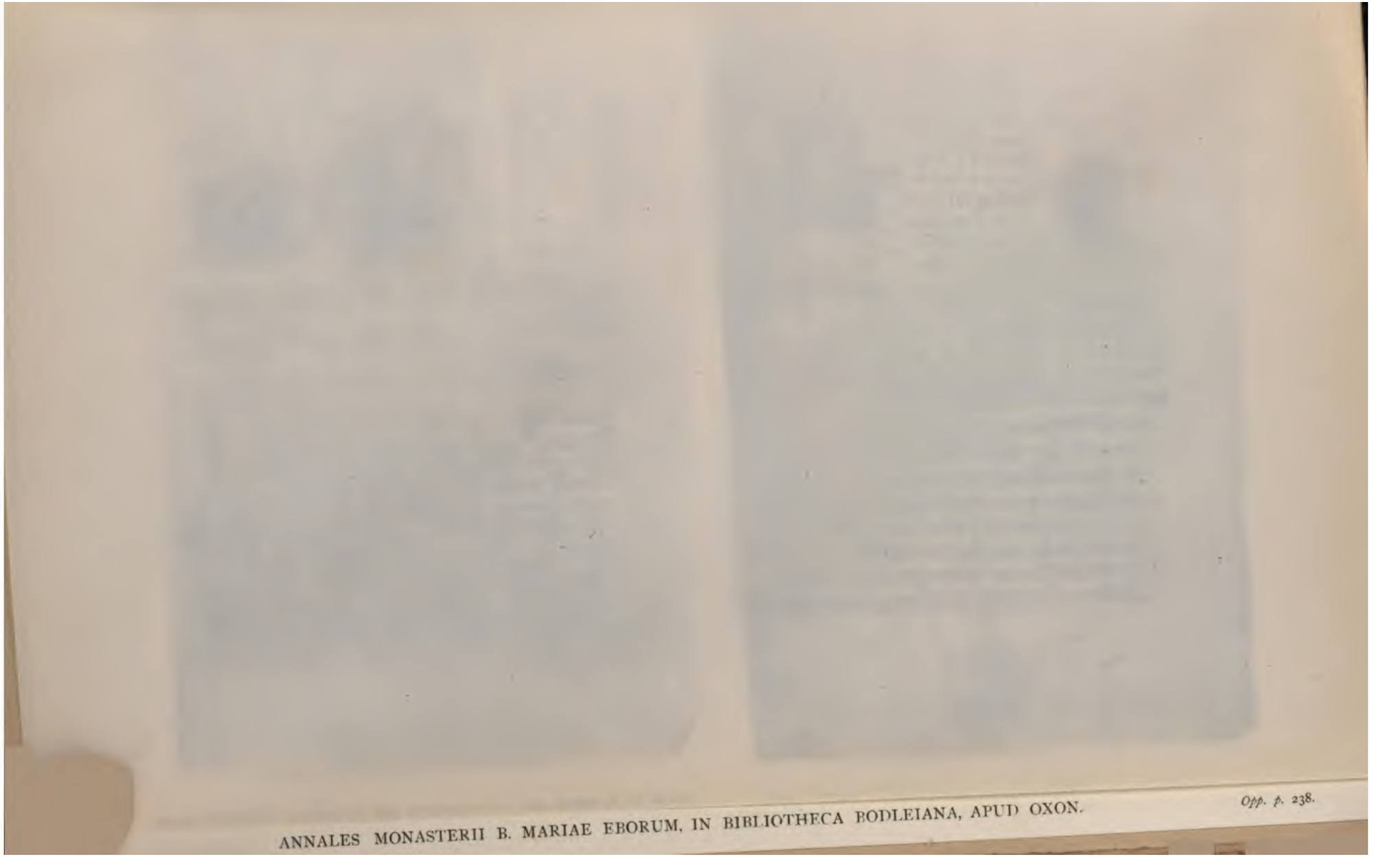
This monastery was begun by Alan, Earl of Richmond, at the request of Stephen, Earl of Richmond.

In the Charter of King William Rufus, exemplified Pat. 35 Edward I, amongst other things there is mention made of the site of the monastery, and grants the same liberties, customs, and privileges to the Abbey as the Church of St. Peter of York or St. John de Beverley had, or as any other church in all England had. When King William Rufus[3] held a Parliament at York in the second year of his reign, he

[1] The first abbot. He died in 1112.

[2] *Annales Mariae Eborum*, in Bibliotheca Bodleiana, apud Oxon., which learned Dr. Langbane was pleased to peruse for me; he afterwards communicated his notes to me.—T. W.

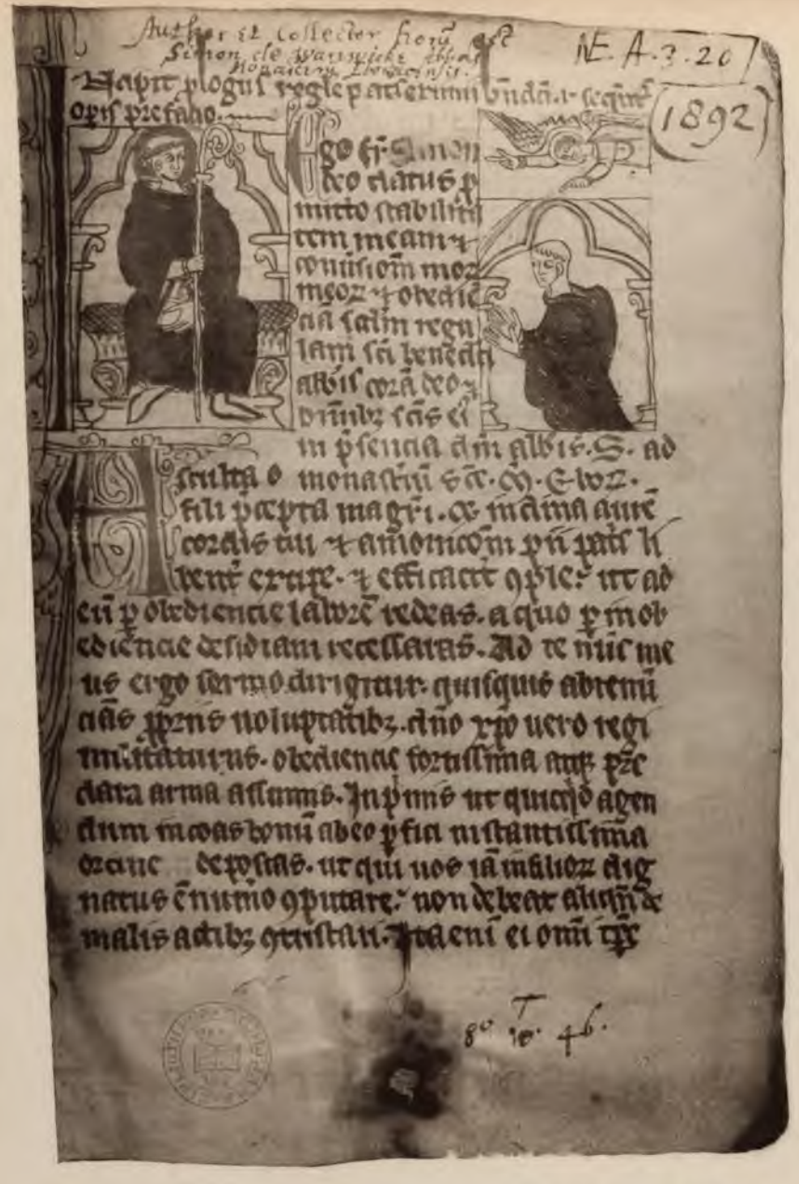
[3] *Annales*, ut supra.—T. W.



ANNALES MONASTERII B. MARIAE EBORUM, IN BIBLIOTHECA BODLEIANA, APUD OXON. *Opp. p.* 238.



Abbot Stephen's account of the foundation of the Abbey of St. Mary.


NE.A.3.20
(1892)

Abbot Simon's continuation of the history of the Abbey.

went at the request of Stephen, Earl of Richmond, with many of the peers and nobles to this monastery, being then not finished, and laid a stone, and changed the church and name of it from St. Olave to St. Mary, and confirmed the grants made to it by his father, and by Earl Alan, and made liberal grants himself to the Abbey.

King Henry II also made a large Charter, which, as also the charters of Stephen, Earl of Brittany; of Conan, Duke of Brittany (to which David le Lardinar is a witness before the Sheriff of Yorkshire);[1] of Hugh, the son of Baldric; of Barnard de Baliol; and of Odo Camerarius, Earl of Richmond, and some others, are mentioned in *Monasticon Anglicanum*.[2]

By the Charter of King William Rufus, this Abbey was to be free in all their lands from pleas, and quarrels of murders and thefts, and scutage, and gelds, and Dangelds, and hidages, and the works of castles, bridges, and parks, and from ferdwite and from breach of peace, and entry of houses, and from soc and sac, and toll and them, and infangthef and outfangthef; and that after the death of the Abbot one of the same convent shall be chosen, and if the Sheriff or his ministers have any complaint against the men of St. Mary's, they must tell it to the Abbot, and at a set day they shall come to the gate of the Abbey, and there they shall have right in all quarrels and suits; and the men of St. Mary's shall not go to the counties or shires, or to tridings, or wapontacks, or hundreds.

Master Nicholas de Esingwold, Procurator for the Abbot and Convent of St. Mary's, York, shows that though the Abbey hath long had their chapel of St. Olave in their proper use, yet did permit the parishioners to meet and offer oblations, etc., yet hearing "that the said parishioners intend to make it parochial to the prejudice of the Abbey", did in the name of his said Masters appeal against them in the Cathedral Church at York, 4th Febr., 1390: *Pontificatus Bonifacii noni, anno secundo jurisdictione*[3] *xiii.*[4]

And afterwards the same Procurator, viz., July 15th, 1398, exhibited articles against three women, Johan Park, Agnes Chandler, and Maud Bell, for that they "did bury one John——, an inhabitant of Fulford, in the Chapel Yard at Fulford, and not in the Chapel Yard of St. Olave, where such inhabitants ought to be buried: the same being done without consent of the said Abbot and Convent of St. Mary, and without due solemnity and priestly function. Now, lest the inhabitants of Fulford aforesaid by this execrable example",

[1] Vide *Mon. Ang.* (ed. 1821), vol. iii, p. 550, No. VI.
[2] Vide *Mon. Ang.*, vol. iii, pp. 544-560. [3] *Sic*, for *Indictione* 13.
[4] "In the second year of the Pontificate of Boniface IX, Indiction 13."

should be drawn to commit the like offence, the Court enjoined them for penance, that the said Johan, Agnes, and Maud, should, within three days then next following, dig up the body of the said John, and carry it to the Churchyard of St. Olave, there to be buried with due solemnity. And further, that the said Johan, Agnes, and Maud should go in procession six Sundays in the Cathedral Church at York; six Sundays before the procession of the said Abbot and Convent in the Church of St. Mary; six Sundays about the Chapel of St. Olave aforesaid; and six Sundays about the Chapel of St. Oswald at Fulford, bareheaded and barefoot, after the manner of penitents, each of them holding a wax candle in their hands, each of the said Sundays. "And that hereafter they do not commit the like offence, and shall submit to this pennance under pain of the greater excommunication": and to this they were made to swear upon the gospel.

"In quorum omnium testimonium atque fidem praesentes literas nostras exinde fieri fecimus testimoniales per magistrum Rogerum de Cathrick clericum publicum authoritate Apostolica notarium, dictaeque Curiae scribam et registratorem. Dat. etc. Pontificatus Bonifacii Papae noni nono."[1] Mr. Bellwood, late vicar of St. Olave, had the original transcript hereof.

This Abbot was incorporated by the name of "Abbas Monasterii B. Mariae Eborum." And in the case of L. 5 Edward IV, fol. 20, an obligation was made unto him *per nomen* "Abbatis Monasterii B. Mariae extra muros Civitatis Eborum." And although the Abbey were "extra muros", yet because it was not the name of foundation, the obligation was held not good, and afterward he brought the action in his true name.
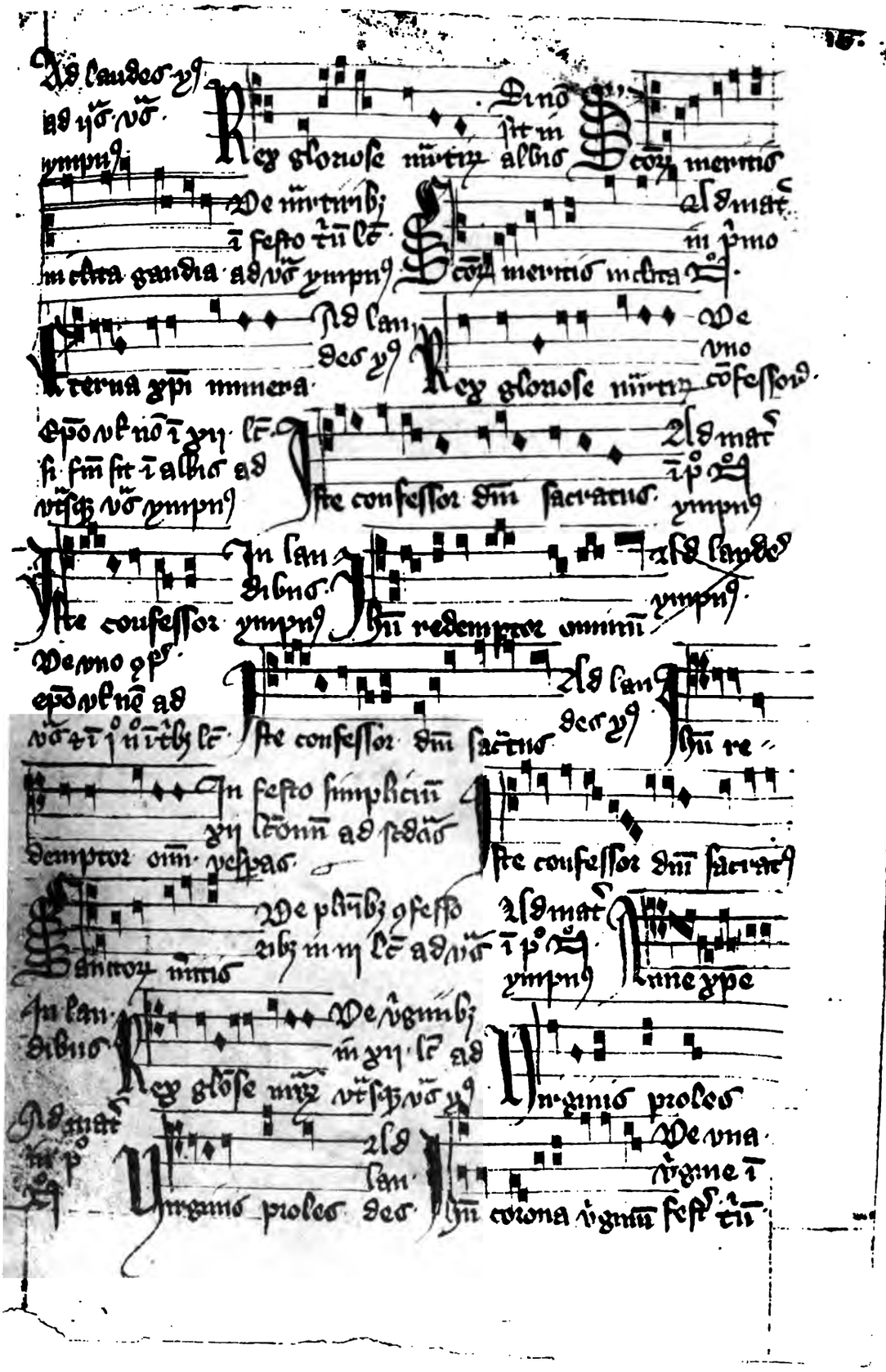
He was a Lord Abbot, a mitred[2] Abbot, one that had a voice in Parliament,[3] which was an honour no other Abbot in the North besides himself had, but the Abbot of Selby.[4] He was by his order a Bene-

[1] "In witness and faith whereof we have caused our Testimonial Letters thereanent to be made by Master Roger de Cathrick, clerk, by Apostolical authority notary public, and scribe and registrar of the said Court. Given, etc., in the 9th year of the pontificate of Pope Boniface IX."

[2] *Vide* Willis, *A View of Mitred Abbeys.*

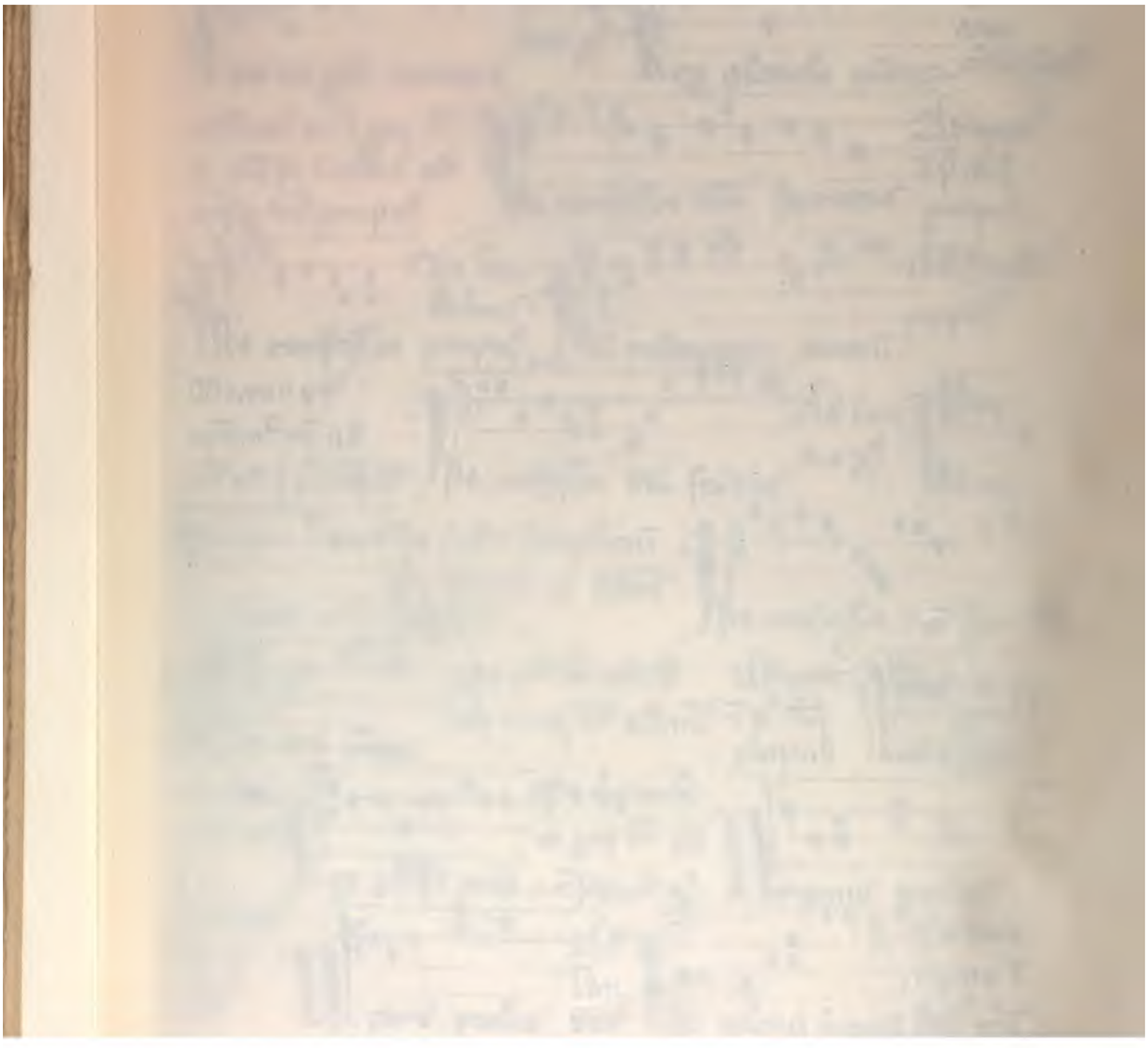
[3] He was summoned to Parliaments at Westminster, York, Northampton, Lincoln, Ripon, etc., *temp.* Edward II.—Vide *The Parliamentary Writs*, collected and edited by Sir Francis Palgrave, K.H., 1834.

[4] This Abbey of Benedictine Monks, in honour of St. Mary and St. German, was founded in 1069 by the Conqueror. King William II gave the patronage of it, with that of St. Oswald, Gloucester, to Thomas, Archbishop of York, in exchange for certain rights held by the Archbishop in Lincolnshire. The Church became parochial in 16 James I. For the attendance of the Abbot at Parliament, see Palgrave, *Parliamentary Writs.*



CONSUETUDINARIUM OR THE CUSTOM BOOK OF ST. MARY'S ABBEY:
A FOLIO SHEWING MUSICAL STAVES.

(By special permission communicated by James Bass Mullinger, Esq., M.A.)



dictine, of which order were many of the English monks. He was such an Abbot as Chaucer seems to speak of:

"That a man should a monke lord call,
Me[1] serve on knees, as a king:
He is as proud as prince in pall,
In meate and drink and all thing:
Some wearen myter and ryng,
With double worsted well ydight,
With royal meate and with drink,
And rideth on a courser as a knight.

"With hauk and with hounds eke,
With broches or ouches on his hode:
Some say not masse in all a week,
Of deyntyes in her most foode.
With Lordships and with bondmen
This is a royal religion.
Saint Benet made never none of hem
To have Lordship of man ne Towne."[2]

This Abbey was without the walls of York, but very near them, and many controversies did arise between the city and it. Of some of these I shall give you a particular accompt, peradventure with some disadvantage to the city, in regard I have them out of the Annals of the Abbey,[3] who were much more diligent observers of the memory of their own rights, than the city hath been.

But before I enter into that discourse I shall in a word tell you the manner and course of their devotion. You have heard of a Service *Secundum Usum Sarum.* But for the course of the service of this Abbey there is in the library of St. John's College, in Cambridge (*Consuetudinarium B. Mariae Eborum*) a Psalter and Office for the devotion of this monastery, which was agreed upon and published the 30th of May, 1390.

The Abbot had large possessions and great liberties. For their possessions I find several of them mentioned in these Records (of the Tower of London) following, which I think not fit to mention particularly and severally:— Pat. 2 Edward II, m. 16;[4] Pat.

[1] Glossary.—Me: often used redundantly by our old writers; y-dight: dressed; eke: also; ouches: jewels; Hode: hood, or other head-piece.

[2] Chaucer, *Works*, ed. 1561, fol. xcv.

[3] *Annal. B. Mar. Ebor.*, Bib. Bod.—T. W.

[4] Secunda pars.

3 Edward II, m. 1; Pat. 4 Edward II, p. 2, m. 3;[1] Pat. 5 Edward II, m. 20;[2] Pat. 8 Edward II, p. 1, m. 14;[3] Pat. 8 Edward II, p. 2, m. 9; Pat. 9 Edward II, m. 23;[4] Pat. 10 Edward II, p. 1, m. 7, et m. 33;[5] Pat. 11 Edward II, p. 2, m. 25; Pat. 12 Edward II, p. 1, m. 23; Pat. 14 Edward II, p. 1, m. 9; et iterum ibidem Pro ecclesia de Doncaster approprianda Pat. 16 Edward II, p. 1, m. 8; Pat. 16 Edward II, p. 2, m. 23; Claus. Rot. 17 Edward II, m. 23; Pat. 20 Edward II, m. 29; Fin.[6] 11 Edward III, m. 7: the manor of Whitgift with its members of Usflete, Swynefleete, Hooke, and Armyne, and the moor in Inclesmore, late of S. le Scroope, were granted to the said Abbot in fee-farm rendering 2 marks.

And Claus. Rot. 38 Henry VI, m. 16, *in dorso* the advowson and patronage of the church of Bethom,[7] in the county of Westmoreland, were granted by this Abbot to Nicholas Bryan[8] and others and to their heirs, reserving to the Abbot and his successors a pension of 40 shillings per annum.

Pat. 27 Henry III, m. 7:[9] a grant to this Abbot of tenements in Gilling, Rydale, Appleton, Clifton, Huntington, Bootham, Brincotes in Newson, Kelskild, Welorhouses, Eskirk.

And for several other lands: Pat. 7 Richard II, p. 1, m. 13; Pat. 24 Henry VI, p. 1, m. 20; Pat. 14, Henry VI, m. 2; and 16 Richard II, p. 2, m. 30.

This Abbey had also large Liberties.

Anno 5 Edward II, m. 21, *in dorso:*[10] De libertate tenementorum suorum de non praestando theolonium.[11] And Pat. 4 Edward II, p. 1, m. 5, *in dorso:* the like allowed and also for pontage and murage.

Claus. 14 Henry III, m. 13, et 15:[12] De terris in Naburne et Estwick claudendis ita quod ferae Regis intrare non possint.[13]

Pat. 53 Henry III: a confirmation of their liberties formerly granted.

[1] This is incorrect. There is a reference to the Church of St. Mary, Old York, on m. 13.

[2] Secunda pars. See also p. 1, m. 14.

[3] *Sic*, for m. 14 read m. 4.

[4] Secunda pars.

[5] Mems. 11 and 12 are also given, but incorrectly.

[6] Ratificatio status et relaxatio redditus, Pat. 20 Edward IV, p. 2, m. 4.—T. W.

[7] *Sic.* The entry says: " . . . ecclie. de Betham alias dict. Bethome."

[8] *Sic*, for *Byron.*

[9] There are only four membranes in Pat. Rot. 27 Henry III. The Chart. Rot. for the 27th year of this King has certain Letters Patents entered upon it, but they do not give the information here recited.

[10] This is in the Pat. Rot., *Secunda pars* of the year quoted.

[11] " Concerning the liberty of their tenements in the non-payment of toll."

[12] There are only eight membranes in Claus. Rot. 14 Henry III.

[13] " Concerning the enclosing of lands in Naburn and Estwick so that the deer of the King shall not trespass there."

Pat. 27 Henry VI:[1] a confirmation, with an explication and augmentation of their liberties.

Pat. 5 Edward III, m. 14;[2] and 9 Edward III, m. 6:[3] the whole hunting of the Forest of Spaunton and Blackamore, between the waters of Done and "Syvena", were granted to this Abbot, in exchange for the tenth of the venison of this Forest of Galtres, which it appears they had by Pat. 2 Edward III, m. 24.[4] In Chart. Rot. 5 Edward IV, No 15, there is a large confirmation of their charters and liberties in the Forest of Spaunton.

Yet in 25 Edward III, m. 6, I find that he had the custody only of the Forest of Spaunton.

King Henry I did grant the tithe of all his venison in Yorkshire to this Abbot, as appears in the Eyres of Pickering.[5]

This Abbot had a several piscary at Epworth, anciently granted by Roger de Mowbray (Inquis. 2 Henry IV, No. 45).[6]

For their jurisdiction within Bootham, in the suburbs of the city of York, by agreement: Pat. 26 Edward III, m. 6, *in dorso;* et 28 Edward III, p. 2, m. 17.

Liberty was granted to the Abbot to inclose his wood at Overton, and to make a park by metes and bounds (Pat. 18 Richard II, p. 1, m. 24; confirmed 22 Henry VI, p. 2, m. 3).

An inquisition and an examination was made throughout all England of weights and measures by faithful servants of the King, amongst which were sent Mr. Robert Beneven and John de Swyneford. And the liberty of St. Mary of York was saved. This was in A.D. 1274, the 5th of the Ides of March.

Great controversies did happen between this Abbot and the citizens of York.

In the year 1262, viz., 18 Kal. September, being the day of the Assumption of the Blessed Mary, there was an extreme violence used by the citizens of York against the Abbot and Convent of St. Mary in killing of their men, plundering of their goods, and burning of their houses in Bootham. But the day after, during the conflict, the Abbot, for peace sake, made an agreement for £100, of which he paid at the same time 10 marks; and the Abbot, to avoid further danger, did absent himself for a year or more.[7] In the

[1] This refers to m. 25.

[2] Secunda pars.

[3] Secunda pars. This is based upon a charter of Henry II, and begins: "Whereas Henry II", etc. The charter of Henry II is entered in *Mon. Ang.*, vol. iii, p. 560.

[4] Secunda pars.

[5] Selden, *History of Tithes*, fol. 352.—T. W.

[6] This reference is wrong.

[7] *Annales Mon. B. M.*, Bib. Bod.—T. W.

year 1264, viz., the 10th of the Kalends of Jan., the Lord Simon, the Abbot who had been absent for one whole year, by occasion of this, did return to his house.

Anno Domini, 1266, in the third of the Kalends of May, upon the instance of divers persons, the citizens of York were reconciled unto the Abbot and Convent of St. Mary, but especially by the procurement of John de Eketon, and did gratis make several releases each to other, with a saving of the liberties of each party, and of those things that belong to the Crown.

A.D. 1281, scilicet *nonis Julii*, the Abbey of St. Mary was set free *de Judaismo*[1] against the Queen of England for a certain false letter containing 300 (F) libras due to Joce the Jew.

Anno 1282, viz., the VIth of the Ides of June at Leicester, the Abbot of St. Mary did put himself upon the grace of the Queen Eleanor for £500, and use incurred for the same, from the time of the Lord Robert of Langham, the Abbot, by a false letter forged by the Jews with the impression of the seal of the Chapter hanging to it, but falsely made, which did pardon all things unto him for £300. Upon which cause there was a message sent by all the schools of the Jews in England that they might shew their cause if they had any, or otherwise the same to be of no value.

A.D. 1301, pleas were held of the liberties of St. Mary's of York, within the gate of the said Abbey, scilicet upon Friday in the Quinden of the Purification of the Blessed Virgin Mary, scilicet the 14th of the Kalends of March, G being the Dominical letter, in the time of Benedict the Abbot, before the King's Justices Sir Ralph de Metingham,[2] William de Bereforth,[3] William de Hauward,[4] Peter Mallore,[5] E. de Bermingham,[6] and Lambert de Trickingham,[7] Justices of the Bench in the 30th year of the reign of King Edward, son of King Henry, in the presence of the Lord Edward, Prince of Wales.

A.D. 1306, Clement the Pope did grant many provisions improvidently to everyone almost who sued for the same, viz., eight to

[1] *Judaismus* = Jewry.

[2] *Sic.* Is not John de Metingham here referred to? See p. 181, note 3.

[3] William de Bereford: Just. C. P. in 20 Edward I; C. Just. C. P. 1309, in succession to Ralph de Hengham. He died in 1326.—Foss, *Judges of Eng.*, vol. iii, p. 234.

[4] and [5] William de Haward and Peter Mallore receive notice (with L. de Trikingham) to continue in the office of J. C. P.:—Claus. Rot., 1 Ed. II, m. 19, *in dorso.*

[6] *Sic*, for Richard de Bernyngham; d. about 1330.

[7] Lambert de Trikingham is named as a Justice Itinerant 27 Edward I (1299). He was made a Just. C. P. 1300, Just. K. B. 1316. He retired from the King's Bench in 1320, and was made a baron of the Exchequer.—Foss, *Judges of Eng.*, vol. iii, p. 533.

St. Peter of York, and three to the Abbot of St. Mary's, and everything which could be sold for money; and thereupon saith the record:—

"Inconstans semper fuit et erit in aeternum.
Demens mira nititur plurima.
Et in suis actibus non
Nam quod fecit hodie cras vult infirmare
Post cras pro pecuniae summa revocare.
Bene dici poterit Papa stupor mundi,
Quem vexant ut credimus spiritus immundi,
Qui totius Angliae clerum vult confundi,
Pro quo sicut debent preces debent fundi."[1]

"Pauperibus sua dat gratis nec munera captat
Curia papalis. Quod bene perspicimus."[2]

These two verses were well inverted:—

"Perspicimus bene quod Papalis curia captat
Munera, nec gratis dat sua pauperibus."[3]

Anno Domini, 1308, there was a charter obtained for the liberties of St. Mary's of York, and confirmed by King Edward II in the first year of his reign, that there should be a Fair or Market in Bootham. This was proclaimed throughout the county of York, and was enrolled in the great Roll of the King by the Lord John de Langton, the King's Chancellor.

In the year 1315, the day of St. Martin the Great, the citizens of York came with strong hand, and did fill up the ditch joining upon the walls of the Abbey, which was made by Alan, Abbot of the said Abbey, against the enemies of England, that is the Scots. This they did by the counsel of Nicholas Fleming, then Mayor, and of the most part of the citizens, and saith the Record, "against Divine Law, and Regal Justice, Sezevaus and others being the principal instigators."

Anno Domini, 1316, the Mayor and citizens of York came to the said Abbey, and pulled down an earthen wall made there, but by the

[1] These lines are hardly worth quoting, and I shall not attempt a finished translation. They read:—"He was always fickle, and always will be. He madly strives to achieve all kinds of marvels, and in his acts . . . not For what he did to-day, to-morrow he wishes to undo, and the day after to-morrow he will do it again for a bribe. Well may he be called Pope wonder of the world; whom, as we believe, unclean spirits torment; who wishes the clergy of all England confounded; for whom such prayers as are fitting ought to be poured forth."

[2] "The Papal Court gives freely of its own to the poor, and accepts not presents: that we well see."

[3] "We see well that the Papal court accepts presents, and gives not freely of its own to the poor."

just judgment of God five of the workmen were killed (by the fall of it). In the same year, the morrow after the translation of St. Martin, the Mayor and citizens did make a ditch between St. Leonards and the Abbey.

Since the dissolution of this monastery it hath been the King's house,[1] and the place of his residence when he came to the city, and in his absence of the Lord President, and hath of late years been called THE MANOR.[2]

II.—RELIGIOUS HOUSES WITHIN THE CITY AND THE SUBURBS.

(1) The Augustine Friars, between the Tower on Ouse bank and Ouse Bridge.[3] This was founded by Lord Scrope.[4]

(2) The White Friars, not very far from Layerthorpe Gate.[5]

(3) There was a house of religion about one of the bars of York, where the burgesses of York, and the Hainhaulters that came to war, in aid of Edward III, did fight, and divers were slain. I have heard one say it was a house of White Monks.[6]

(4) The Priory of St. Sepulchre, or Capella B. Mariae et Sanctorum Angelorum juxta Palatium Archiepiscopi in Eboraco, was founded in the time of Henry II by Roger, Archbishop of York, the Pope's Legate.

In *Registro Archiep. Ebor.* there is this charter of foundation: "Carta fundationis Capellae B. Mariae et Sanctorum Angelorum juxta Palatium Archiepiscopi in Eboraco."[7]

[1] That is, the house of the Abbot, rebuilt by William Levyer, Abbot 1485-1502.

[2] For a concise sketch of the vicissitudes of this house, see Davies, *Historic Notices of the Edifice called the King's Manor, situate near the Walls of the City of York.*

[3] Sir Thomas takes this from Leland. But Leland is in error here. The monastery of these Augustine Friars (order originally founded 1256) occupied the ground extending from Lendal Bridge to the Guildhall. The monastery of the Franciscan Friars, Friars Minor, or Grey Friars (order originally founded 1210) occupied the site between Tower Street and the river, claimed by Leland as the home of the Augustines (*Mon. Ang.*, vol. vi, fol. 1545). Though it was known the Franciscans had a house in York, it was considered impossible to identify the site. Reference to *Eboracum*, fol. 284, and 282, will shew that Drake also fell into these errors.

[4] Speed says that the Augustine monastery in York was founded by Lord Scrope.

[5] The Carmelites (order originally founded 1245) held the land between Hungate and Fossgate, extending to the River Foss. The site was granted to them by various persons.

[6] No. 2 and No. 3 in this list are the same. Walmgate Bar is referred to in No. 3.

[7] Vide *Mon. Ang.*, vol. vi, fol. 1181, No. XXXIV.

It appears that there were placed there thirteen clerks of several orders. "And they shall serve every morning according to the constitution of St. Peter's at York in divine service: 4 of them to be priests, 4 deacons, 4 sub-deacons, and 1 sacrist." And the archbishop gave unto them the moiety of the Church of Otteley, the Church of Everton, the Church of Sutton, with the chapel of Scroby, the Church of Hayton, and the Church of Berdesey. And they had of the gift of William de Scoti, the Church of Calverley;[1] of the gift of William Pagnell, the Church of Hoton; of the gift of Alice de Rumellye, the Church of Harewood; of the gift of Adam de Bruis and Ivet his wife of Archis, the Church of Thorp. Each of the priests was to have ten marks a year; each deacon 100*s.*; each sub-deacon ten marks, which they were to receive by the hand of the sacrist, who was appointed by the constitution to be the procurator of all the rents.

There was afterwards an ordinance made touching this house by Sewall, Archbishop of York, a copy whereof I have seen, and it is intituled, *Ordinatio Sewalli super fundatione B. Mariae et Sanctorum Angelorum Eborum*, which calls them Canons or Prebends, and appoints them the manner of their service. And he appoints a curate in each of the said churches to serve the cure, and what each curate shall have. The sacrist is to have the presentation to these vicarages, and the Archbishop the institution. This was done 3 non. Maii, anno Domino MCCLVIII.[2]

(5) St. Trinity was a house of canons, and destroyed by William the First.[3] Ralph Paynell[4] did afterwards repair it for Black Monks.[5] The site of it is now part of the possessions of Sir John Goodrick, knight and baronet. This Ralph Paynell gave large possessions to it, among which were:—1. Lands in Leeds; 2. The Church of St. Helen in York; 3. The Church of Erneham, in the Diocese of Lincoln, "and all that belongs to it"; 4. The Church of Drax and the fishing; 5. The Church of Leeds; 6. The Church of All Saints, North Street, York; 7. The Church of St. Bridget, Micklegate; 8. The Church of

[1] In Registro MS. miscellanea in custodia majoris Eborum, cum litera C. signato, f. 231*b*.—T. W. See *ante*, pp. 146 and 160, for these churches.

[2] *Mon. Ang.*, vol. vi, fol. 1182, No. XXXV.

[3] When he desolated the north.—*Mon. Ang.*, vol. iv, fol. 680.

[4] Ranulph Paganel, who came over with the Conqueror, held at this time ten lordships in Devonshire, five in Suffolk, fifteen in Lincolnshire, and fifteen in Yorkshire, *Dug. Bar.* In the Conqueror's time he was high sheriff of Yorkshire, *Lel. Col.* Hutton-Pagnel, Newport-Pagnel, and several other towns, still bear the name of this family.

[5] The Benedictine or Black Monks. The monks of St. Mary's Abbey were also of the same order. The founder of this order died 543.

St. Helen, in Fishergate; 9. Two parts of the tithes of Newton-upon-Ouse; 10. The town of Conyngsthorpe, and divers possessions in other places. All these were confirmed unto them by Pope Alexander. Dated at Lateran, 2 Maii.

(6) There was also[1] the Priory of St. Andrew in Fishergate,[2] founded by Hugh Murdac in the reign of Henry II. The charter of the foundation was in St. Mary's Tower near York, and had this title:—*Carta fundationis Prioratus Sancti Andreae, juxta Eboracum.* "Testibus R.[3] Decano, et Capitulo Eborum, Magistro Rogero Arundell, Willielmo de Perci de Kernetby, Willielmo filio Petri, Waltero de Weverthorp."[4] These canons were of the order of Sempringham, as appears by the charter of their foundation.

(7) The Priory of St. Clement,[5] in the suburbs, near Skeldergate Postern (of which I have spoken more elsewhere) was founded by Thurstan, Archbishop of York,[6] and confirmed by the Dean and Chapter of York.[7]

[1] Ex originali Carta nuper in Turri B. Mariae Eborum.—T. W.

[2] A Premonstratensian house. The site extends from Blue Bridge Lane to the Glass-works.

[3] *Sic*, for S., *i.e.*, Simon de Apulia, Dean in 1193.—*Mon. Ang.*, vol. vi, fol. 1173. He became the Bishop of Exeter in 1214.

[4] *Mon. Ang.*, vol. vi, fol. 962, No. 1.

[5] This was a nunnery of the Benedictine order. See p. 127, and the notes there.

[6] Ex autographo in Turri B. Mariae Eborum.—T. W.

[7] To this list may be added:—

(1) St. William's College.—*Mon. Ang.*, vol. vi, fol. 1475.
(2) The Monastery of the Dominican Friars, on Toft Green.—*Ibid.* fol. 1496.
(3) The Monastery of the Crutched Friars.—*Ibid.*, fol. 1586.

CHAPTER XVII.

Davy Hall or Lardinar's Hall.

♣ ♣

THIS Davy Hall, or Lardinar's[1] Hall, stands about the middle of the city, and hath given the name of Davy Gate to the street where it stands. It was anciently the land of David le Lardinar,[2] and held by Grand Serjeanty, as will appear by several records and otherwise.

Leland[3] saith that there is a place in York called Davy Hall, assigned as a place of punishment for offenders in Galtres.

Escheat. 55 Henry III, No. 11 : The jurors say upon their oaths that David Lardinarius held the day that he died a messuage in the city of York of the yearly rent of ,[4] which he received by the hands of the Bailiffs of York, etc. And that Thomas Bustard paid unto him *7s.* yearly for his land in Bustardthorp.[5] And the said David held also a certain land which is called Corsteburn,[6] and was worth by year *6s. 8d.* And that he held all the premises of the King *in Capite* by the service of the custody of the King's gaol of the Forest, and by performing the lardary of the King, and finding of salt at his own charge. He was to have *crura superiora* and the loins of the deer. And to make sale for the King's debts upon summons out of the Exchequer. And upon every sale he was to have a fee of *6s. 8d.*

[1] The terminal is given both as *ar* and *er* in the MS.
[2] Lardanarius, or lardinarius=larderer, or clerk of the kitchen.
[3] Ex *Itinerario* Jo. Leland, incept. A.D. 1538 (30 H. viii), fol. 74.—T. W.
[4] The entry on the Inquisition is £VII. XII*s.* I*d.*
[5] See p. 134.
[6] The *Calendar* has Cortburn. In the original it is Corttburn.

Escheat. 43 Edward III, No. 29: John de Thornton held of the King *in Capite* as tenant by the courtesy of England of the inheritance of his late wife, this messuage of Davy Hall by the tenure afore mentioned, and xx*s.* yearly in Skelton, and a pound of pepper out of tenements in Skeldergate.

Escheat. 26 Edward III, No. 40 (and the like Escheat. 23 Edward III, No. 85): Ralph[1] Leake held a house in the City of York of the King *in Capite* by homage and service to keep the King's gaol of the Forest of Galtres in the said house, taking, by day, for the said service, by the hands of the Bailiffs of the City of York, out of the farm of the said city, 5*d.*

Ex quodam *MS.* in Capella B. Willielmi super pontem de Ouse reservato, cujus titulus est, *Liber diversorum memorandorum civitatem Eborum tangentium de rebus actis in tempore Edward III, et Richard II.*[2] (fol. 89.)

"Charta STEPHANI Regis ANGLIAE facta JOHANNI LARDINARIO et DAVID filio suo, irrotulatur in haec verba:

"Stephanus Rex Angliae Archiepiscopo Eboraci, Comitibus, Baronibus, et Vicecomitibus, Ministris et omnibus fidelibus suis Francis et Anglis de Eboracshyre, salutem; Sciatis me reddidisse et concessisse Johanni de Lardinario modo de Eboraco, et David filio suo terram suam totam quam tenet de me in Socagio cum ministerio suo de Lardinario et liberatione sua et omnes terras suas de quocumque eas teneat sicut tenuit die qua Rex Henricus fuit vivus et mortuus. Quare volo et praecipio quod bene et in pace et libere et quiete teneat, in bosco et in planis, et in pratis et pasturis, et aquis et molendinis, et mariscis, in viis et semitis, et in omnibus aliis locis cum Thol, Them, Socha, Sacha, et Infangthef, et cum omnibus consuetudinibus et libertatibus suis, cum quibus unquam melius et liberius tenuit tempore Regis Henrici. Testibus R. de Vere et Roberto filio Ricardi, apud Notingham."[3]

[1] The *Calendar* has *Richard.* This is incorrect. Widdrington's transcript is right. The second reference is in *Secunda Pars.*

[2] "From a certain MS. preserved in the Chapel of St. William, on Ouse bridge, whose title is, *A Book of divers memoranda touching the city of York, of things done in the time of Edward III and Richard II,*" f. 89.

[3] "A Charter of Stephen, King of England, made to John Lardinar and David his son, is enrolled in these words:—

"Stephen, King of England, to the Archbishop of York, the Earls, Barons and Sheriffs, Ministers, and all his faithful Frenchmen and Englishmen of Yorkshire, greeting: Know ye that I have rendered and granted to John de Lardinar, lately of York, and to David his son, all his land which he holds of me in socage with his ministry of Lardinar and his livery, and all his lands, of whomsoever he holds

Amongst the Records of the Treasury in the receipt of the Exchequer remaining there in the custody of the Treasurer and Chamberlains, viz., in the Pleas of Assize in the County of York, the morrow after the Feast of St. Michael, before Silvester, Bishop of Carliol,[1] Roger de Thurkelby,[2] and their companions, Justices Itinerant, in the 35th and the beginning of the 36th year of King Henry III,[3] I find amongst other things, that the King gave command to these justices to inquire by jury what liberties the ancestors of David le Lardinar had used in the City of York, and how; And what liberties the said David claimeth by the charters of any of the King's predecessors. Thereupon David came in, and said that it did belong to the serjeanty which he holds in York:

To receive of every baker, who sells bread there, every Saturday, a half-penny loaf or a half-penny;

And of every brewer of ale, that sells any ale there, every Saturday, a flagon of the best ale, or the value of it;

And of every shamble, where flesh is sold, and of every one who sells flesh there, a pennyworth of flesh, or a penny every week;

And of every carrier of fish at Foss Bridge four pennyworth of fish, or fourpence, as the same were bought at the sea, upon their words;

And of every summage of horse carrying fish, a pennyworth of fish as it was bought at the sea, or a penny;

And ——— of all measures of corn, by which corn is sold in the city.

And to make all distresses for the King's debts in the city, and for every distress to have *4d.*;

And to provide the King's larder, as well of venison as of tame beasts. And the jurors found thus: That the ancestors of David le Lardinar used these Liberties following:—

(1) To make the larder of the King.

them, as he held them on the day on which King Henry was alive and dead. Wherefore I will and command that he hold them well and in peace and freely and quietly, in woods and in plains, and in meadows and pastures, and waters and mills and marshes, in ways and paths and in all other places, with toll, team, soc, sac, and infangthef, and with all his customs and liberties with which he ever held them better and more freely in the time of King Henry. Witnesses: R. de Vere and Robert, son of Richard. At Nottingham."

[1] Called Silvester de Everdon, from his church in Northamptonshire. He was Archdeacon of Chester in 1246; Bishop of Carlisle 1247; Just. Itin. 1252. *Vide* Foss, *Judges Eng.*, vol. ii, p. 322.

[2] See p. 123, note 1.

[3] The MS. says Henry II.

(2) To keep the prisoners of the forest.[1]

(3) And sometime to have the measure of the King for corn, and to sell the King's corn.

(4) And that they had daily out of the King's purse 5*d.*; and for these his ancestors had charters.

(5) Sometimes they used this Liberty: To take every Saturday from every window of the bakers where bread was set to be sold a loaf or a halfpenny, of every brewer of ale a gallon of ale or a halfpenny, of every butcher's window a pennyworth of flesh or a penny, of every cartload of fish sold at Foss Bridge, four pennyworth of fish as they were bought at the sea side or fourpence, and of every horseload of fish a pennyworth or a penny.

(6) That they used to make distresses for the King's debts in the city, and to take 4*d.* for every distress; and that they were Aldermen of Minstrels.

(7) The ancestors of David le Lardinar have used these Liberties in the time of King Henry, grandfather of the King that now is, and in the time of King Richard, till they were hindered, and they used all these Liberties in the name of the serjeanty which they held of the King.

This record was sent to the King.

In the Purification of St. Mary, in the 38th year of Henry III, before Hugh, Abbot of Selby, and Adam of Hilton,[2] justices of the King at York, mention is made of a fine which was levied at Westminster, in Easter Term, in the 37th year of King Henry III, son of King John, before the King and before Ralph, the son of Nicholas, and other justices there named, in all seven in number, between David le Lardinar, plaintiff, and John de Selby, Mayor,[3] and the Citizens of York, defendants, by which the said David de Lardinar did remit and

[1] This forest formerly reached to Aldborough (Isurium), and was the home of the bear, the wolf, and the wild boar. It is reputed as having been a favourite hunting-place of British, and after them of Saxon, kings. From a *Perambulation of the Forest of Galtres* contained in Forest Rolls, 9 Edward II (1316), it appears that it comprised about 100,000 acres of land, and that within this area were sixty townships. This perambulation was made by "Robert de Umframvill, Earl of Angous, Keeper of the Forests of our lord the King beyond Trent". A perambulation made in the 28th year of Edward III (1355) shews that the forest then extended to the walls of the city on the north-west.

The word Galtres is said to be derived from the British *Cal a tre*, which signifies the wood adjoining the town.

[2] Just. 1251. *Vide* Foss, *Judges Eng.*, vol. ii, p. 366.

[3] See p. 82.

release to the Mayor and Citizens all his right and claim to the taking of toll, the measures, the fish toll before mentioned, and the flesh toll, and the brew toll of every brewer of ale, and the making of distresses for the King's debts and the 4*d.* for every distress.

For this remission the Mayor and Citizens gave to David 20 marks of money. This was done by the assent of the King for the melioration of the city because the said David did claim all these as belonging to his serjeanty, which he held of the King. The said David did also by his deed make a full release accordingly of all these particulars. The deed was dated at York, the last day of April, in the 37th year of Henry III, son of King John, wherein he doth promise that if the Mayor and Citizens will chirograph that deed in the King's Court, he will be willing to do it. And he swore *tactis sacrosanctis* to observe it. It is attested with these witnesses, amongst others; Sir Thomas Sandford, the King's Clerk; Robert de Creping,[1] then Sheriff of Yorkshire; Adam de Everingham; Robert de Stapleton; William de Botehall; Gerard Salvayn; John de Rowndeby; William de Leirton; Simon de Halton; John de Hamerton; Alan de Catherton; Simon de Lilling; William de Haget; Robert Guer, and others.

Amongst the Pleas of *Quo Warranto*, in the time of Edward II, David Lardinar saith, "Quod proavus proavi venit in Angliam cum Willielmo Conquestore."[2]

Amongst the records of the term of St. Michael in Memorandis Scaccarii,[3] in the 7th year of King Edward II; Inter Fines de Termino Sancti Michaelis Rot. 3: It appears that Ralph de Leake and Margaret his wife, daughter, and one of the heirs of Philip le Lardinar, made Fine to the King by 2 marks for the relief of Margaret after the death of the said Philip for the moiety of a messuage in the City of York, which is called The Lardinar's Prison, and for £XX VI*s.* and a half-penny yearly rent, payable out of the King's Farm of the said city by the hands of the Bailiffs of York, and 3*s.* 6*d.* rent for the part of Margaret, for which Margaret had done homage to King Edward the father of the King. And they paid relief for 3*s.* 6*d.* rent in Thorp, as it appears by the original of 33 Edward I. The whole relief was 3*s.* 8*d.*

Memorandum, that the said house and rent were of the serjeanty of David le Lardinar which he held by the service of keeping of the Gaol of the Forest, and selling the cattle that were taken for the

[1] Mentioned *Cal. Inquis.*, p. 1, m. 69 (see Foss).

[2] "That his great-grandfather's great-grandfather came into England with the Conqueror."

[3] Scaccarium = The Exchequer.

King's debts. This serjeanty after the death of David did descend to Philip, but he did not die seised of the sale of cattle, because the serjeanty of that sale was seized into the King's hand in the Eyre of Henry de Cresingham[1] and his fellow Justices Itinerant in the said city. The V*s.* was charged upon him as the moiety of X*s.* which the said Philip used to pay to the King for his land in Thorp Bustard by the year, and was part of the serjeanty of the said Philip.

Ellen, the younger daughter of the said Philip, did pay the like fine for her part (*In memorandis praedictis*).

In Anno 3, Rotulo Computorum de Escheatis, Regis Hen. VI, in the Accompt of William Ormeshead, late Mayor and Escheator of the King in the same city, from the 3rd of February in the third year of the King to the 3rd of February in the fourth year, that is, for one whole year, it is contained thus; "De aliquibus exitibus manerii de Davygate dicte prisone Lardinariae cum pertinentiis in Civitate praedicta": That Robert Thornton deceased held, the day that he died, of the King in his demesne as of Fee, by the service of the keeping of the Gaol of his Forest of Galtres, receiving the rent of £7 12*s.* 1*d.* from the King and his heirs by the hands of the Sheriffs of the city, at the feasts of Michael and Easter by equal portions, and two oaks in the Forest every year, and a buck in summer, and a doe in winter yearly; and to hunt foxes and hares in the said Forest at all times in the year except fifteen days before and after the Feast of St. John Baptist; and that the said manor is extended as is contained in a Transcript and Inquisition of Extent thereof before the said Mayor and Escheator by virtue of a writ of *diem clausit extremum*[2] and delivered upon this accompt, that is to say, *a die Dominica* next before the Feast of Pentecost, in the 3rd year of the King, upon which day the said Robert died. But no profits received because no rent days incurred, nor since because the said Mayor and Escheator had, by virtue of the King's writ under the Great Seal, dated the 3rd of July, in the said 3rd year, delivered the said manor with the appurtenances unto John Thwaytes, and Johanna his wife, the daughter and heir of the said Robert. In which writ it is contained that the

[1] Justice Itinerant 1292. He appears at the head of the Justices for the northern counties. He became Treasurer of Scotland, and was slain at Cambuskenneth in the victory of Wallace over the English troops, 1296. Foss, *Judges Eng.*, vol. iii, p. 82.

[2] Diem clausit extremum was a writ that issued out of Chancery to the Escheator of the county, upon the death of any of the King's tenants *in Capite*, to enquire by a jury of what lands he died seised, and of what value, and who was the next heir to him.

King for a mark paid unto him in the hamper,[1] had respited the homage of the said John the husband of the said Johanna, the daughter of Robert Thornton, for all the lands and tenements which the said Robert held of the King *in Capite* the day of his death, because the said John hath issue by his said wife and hath delivered the land unto them. And by the said writ the Mayor and Escheator was commanded that he should take the fealty of the said infants and security from the said John and Johanna for their reasonable relief to be paid in the Exchequer, etc.

It appears by the Sheriffs' Accompts of the city, in the 4th year of Henry VI, inter praecepta de Termino Hilarii, Rot. 3, that the said rent of £7 12*s.* 1*d.* was allowed to the Sheriffs upon their accompt, being paid by them to the said John Thwaytes and his wife, which David Lardinar and his heirs have used to receive out of the Farm of the City as is contained in the Great Roll of Richard II in Civitate Eborum, and in Memorandis Anno. 20 Rich. II, Rot. 3, and the payment is allowed by the Barons.

There is the like accompt and allowance made in Memorandis Scaccarii 5 Henry VI inter praecepta Sancti Hilarii, Rot. 3, where amongst other things there is a recital of the former inquisition taken before William Ormeshead, 12th July, in the 3rd year of Henry VI, wherein are set down as "membra manerii de Davygate called Prisona Lardinariae, a ruinous house which is worth nothing", 8*s.* rent issuing out of 2 carucates of land in Bustard Thorp which William Davis held; and 7*s.* rent issuing out of the moiety of a "carvē" of land in Bustard Thorp which Sybil Inculbeck held; and one pound of pepper issuing out of 2 carucates of land in Hesill which Thomas Santon held as part of the said serjeanty.

Memorandum, that all the Pipe Rolls from the 9th year of Henry II until the 19th year of Richard II inclusive, being above 230 years, so much in every one of them as containeth Lardinar are transcribed into one Roll, which are endorsed, R. Thornton, *hoc modo:*

Rot. 9 Regis Hen. II, inter alia continetur sic[2]—"Et in liberatione £12 12*s.* 1*d.*,"[3] and so on in the rest.

Nota also, that the Pipe Roll of 32 Henry II is burnt,[4] and in four

[1] Clericus Hanaperii (Clerk of the Hanaper, or Hamper) is an officer in Chancery. Vide *Statutes*, 2 Edward IV, c. 1. The term Warden of the Hamper is also used.

[2] "Among others it is contained thus:—"

[3] "xii h. xii s. xi d."—not 1*d.*

[4] The *Chancellor's* Roll is wanting. The regular Pipe Roll is preserved with section *Ebor.* intact.

or five yeare *vicecomites non computaverunt.* And in all the rest *quo-libet anno* £7 12*s.* 1*d.*

It appears by an inquisition taken in 31 Henry II that the Abbot of St. Mary's of York did give a wood called Murturia, and land there, with the appurtenances, to Thomas, the son of David le Lardinar, upon consideration that he should not alien the same and should lawfully demean himself, and render just account, etc. (Inquisitio capta coram Vic. Eborum die Sabbati proxima post Festum S. Michaelis, 31 Hen. II).

I find divers warrants from the Justices of the Forest directed to Philip le Lardinar, to take some persons to his custody, and to deliver others having given bail. I find out of them in French thus:—"Robert de Boulton a Filip le Lardinar saluz: Jes vous maunde ke vous deliverez Roger de Scireburn, et receyves X*s.* de li, et XII*d.* pur le clerk ki deverit entrer le maynprere; et le porter o vous encore hui. Et receyves bone maynprere de li, 4 probe homes. Saluz."[1] (Dated the next day before the feast of St. Gregory the Pope, in the 17 Edward I).

David, the son of David le Lardinar, did homage 36 Henry III. Obiit 4 Edward I.

In 18 Edward III, Thomas, the son and heir of William Gray, of Skelton, near York, doth release all actions and demands to Robert Lardinar, and to Alice the wife[2] of John Thornton, the children of Philip Lardinar of Skelton, deceased. Dated at York the 19th day of April, A.D. 1344, 18 Edward III.

3 Henry V, Robert Thornton, of Davygate, doth give and grant to John Thwaits and Joan his wife, daughter of the said Robert, all his lands in the parish of Leake, and in the town of Skelton in the Forest, etc. "His testibus Johanne de Etton milite, Georgio de Etton, fratre suo, Johanne de Barton. Datum apud Leake, 3 Hen. V."

In the Church of Harewood[3] upon "a tombstone,[4] the brasse being stolne" in or about 1612 (tempore Regis Jacobi):—[5]

"Orate pro anima Johannis Thwayts Legis periti et justiciarii pacis

[1] "Robert de Boulton to Philip le Lardinar, greeting. I bid you to deliver Roger de Scireburne, and to receive 10 shillings from him, and 12 pence for the clerk who should enter the caution; and bring him with you today. And receive good caution for him, four good men. Greeting."

[2] This release is made to the son and mother.—T. W.

[3] *Vide* Jones, *The History and Antiquities of Harewood*, pp. 99, 125.

[4] There is a drawing of this stone in the Torre MSS. 175. It is there described as a black marble slab 2½ yards long.

[5] There is a copy of the inscription in the Ashmolean Museum, Oxford, Anthony à Wood's MSS., D, 4.

in Comitatu Eborum LXVI annorum, qui obiit 1469, et Isabelle uxoris ejus filiae Willielmi Ryther militis que obiit anno Domini 146—."[1]

Deest ultima figura quia Isabella tunc non fuit mortua.

Ex notis Richardi Gascoigne, gen.[2]

This Davy Hall, among other large possessions, came afterward to one John Thwaytes, Esq., who had issue Thomas Thwaytes, who died in the life of his father, but married Emet, the daughter and co-heir of Nicholas Middleton, about the 14th year of Henry VII, and had good possessions by her, and had issue John Thwaytes, who died an infant, and Isabel, the wife of Sir William Fairfax, knight, mother of Sir Thomas Fairfax, grandmother of Thomas, the first Lord Fairfax, and great-grandmother of Ferdinando, Lord Fairfax. Their son, Thomas Fairfax, married the daughter of George Gale, Esq., Treasurer of the Mint at York, and had issue Thomas, late Lord Fairfax, who married Ellen, the daughter of Robert Ask, Esq. His son Ferdinando Lord Fairfax, married Mary, the daughter of Edmund, Earl of Mulgrave, and Thomas Fairfax, their son, now living, married Anne, one of the daughters and co-heirs of Sir Horatio Vere, Lord Vere of Tilbury.

I find a deed of David Lardinar, without date, by which he granted to Osbert de Thorpe and his heirs a carucate of land in Thorp, being of his fee, to which deed there are many witnesses. And it appears that the title of the said land was tried by duel in the court of the said David, between Peter, the son of Wymund, and Robert Bustard, before Godfrey de Lucy[3] and Josceline, Archdeacon of Chichester,[4] and William Vavasour,[5] anno 33 Henry II.[6]

This note following is out of the handwriting of Sir William Fairfax, who married (as before is said) the daughter and heir of

[1] "Pray for the soul of John Thwaits, an expert in the law, and a Justice of the Peace, in the County of York, 66 years, who died 1469; and of Isabel, his wife, the daughter of William Ryther, Knight, who died in the year of our Lord 146—."

"The last figure is wanting because Isabella was not then dead. Taken from the notes of Richard Gascoyne, Esq."

[2] *Sic*, for Ar.

[3] Just. Itin. 1179. He became Bishop of Winchester 1189. Previously he had been Archdeacon of the East Riding of Yorkshire.—*Vide* Foss, *Judges Eng.*, vol. i, p. 394.

[4] Just. 1187; d. about 1190. *Vide* Foss, *Judges Eng.*, vol. i, p. 387.

[5] One of the Vavasours of Hazlewood, Tadcaster, and the father of Robert Vavasour, whose charter appears on pp. 161-162. Like Roger Arundel he was one of the *Custodes* of the see of York, *temp.* Henry II. Just. Itin. 1188. *Ibid.*, vol. i, p. 422.

[6] *Vide* Madox, *The Exchequer*, vol. i, p. 635, where the three justices appear as fixing the tallage of the King in Yorkshire.

Thwaites, written by him *tempore Regis et Reginae Philippi et Mariae:—*

"Long before this deed[1] the ancestors of David Lardinar, as is said, had ye custody of the prisoners taken in the fforest of Galtres wh. was before the Conquest. And to this day these lands in Thorp are part of David Hall, holden of the King and Queenes Ma^tie. in chief, as David Ha[ll] is, by a Tenure called *Per sergeantiam Lardinarii Domini Regis.* And the said prison called Davy Hall stands in the midst of the city, yet none of the city—ne Maior ne sheriffs may arrest ne take ffine therein. And by force of this David Hall all the rest of Thwaytes inheriture is holden *in capite per custodiam gaolae.*"

I shall say somewhat of the Lardinars.[2]

David Lardinarius Regis. — Hic David Lardinarius Regis venit in Angliam cum Conquestore. Eodem tempore Willielmus de Albeneio Comes Arundelliae fuit capitalis Pincerna Angliae tempore Coronationis, per quod servitium tenuit castrum Bokenham et manerium de Wymondham in Comitatu Norfolkiae.

Johannes Lardinarius. — Stephanus Rex Angliae reddidit et concessit Johanni Lardinario suo de Eboraco et David filio suo terram quam tenet de se cum ministerio suo de Lardario et liberatione sua, sicut tenuit die quo Rex Henricus fuit vivus et mortuus.

Hic et antecessores sui vsi fuerunt diversis libertatibus, quod vide hic per totum. Et inter alia Aldermanni fuerunt de Menestrell p.[3] et vt audivi capitales Constabularii Civitatis Eborum iure haereditario.

David filius Johannis Lardinarii. — Hic David filius Johannis obiit 26 H. 2.

Thomas filius David Lardinar obiit 2 H. 3. — 2 R. I, Rotulo Pipae et in Libro Compoti Thomae filii David le Lardinar—vii*li.* xii*s.* i*d.* de anno integro.
3 R. I, Rotulo Pipae et in Libro Compoti Thomae filii David le Lardinar—vii*li.* xii*s.* i*d.*

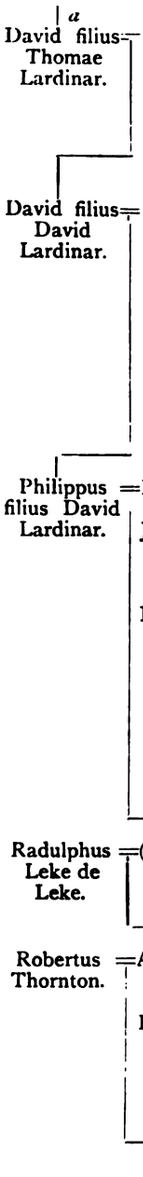
Hic habuit terras in Skelton tentas de Roberto Nevile milite.

| *a*

[1] That is to say, the deed last before mentioned.—T. W.

[2] I have placed my translation of the following pedigree among the *Appendices.* See No. 12.

[3] See p. 252.



3 H. 3, Rotulo Pipae. In firma Civium Eborum Allocatur sic, et in Libro Compoti: David filio Thomae Lardinar—xv*li.* iiii*s.* ii*d.*

Hic David filius Thomae obiit Escaetria 55 H. 3.

A.D. 1273, 1 E. I, David filius David Lardinar recognovit quod facere debet 2 sectas Curiae Domini Roberti de Nevill apud Eskelfe per annum pro tenemento in Skelton. Et eidem David concessit jus in servicio de terris quas Jo: Spicer tunc Maior Eborum habuit.

David filius David fecit homagium 56 H. 3, et obiit 4 E. I.

Placita de quo warranto tempore E. 2, David Lardinarius dicit quod proavus proavi sui venit in Anglicam cum Conquestore.

7 E. 2, Inter fines Termini Michaelis Rotulo 3. Radulphus de Leke et Margareta vxor eius primogenita filiarum et vna haeredum Philippi de Lardinar finem fecerunt pro medietate domus in Civitate vocatae Davy Hall et de lxxvi*s.* redditus etc. post mortem Philippi.

Hic Philippus cum Matilda vxore habuit bovatam terrae in Skelton in libero maritagio, Pat. 7 E. 3.

11 E. I, Rotulo Pipae in Eboraco. In ffirma Civium Eborum allocatur sic, et in Libro Compoti Philippi filii et haeredis David le Lardinar—vii*li.* xii*s.* i*d.*

22 E. I, Rotulo Pipae allocatur Johanni le Meaus in Compoto suo Civitatis Eborum sic, et in Libro Compoti Philippi filii et haeredis David le Lardinar—xv*li.* iiii*s.* ii*d.*, de hoc anno et anno praeterito.

46 E. 3, Robertus Lardinar filius et haeres Johannis de Thornton sic ratione officii. Sed 3 Edw. 3, Robertus Thornton filius Johannis de Thornton.

Thomas filius et haeres Willielmi Gra relaxat Roberto Thornton dicto Lardinar et Aliciae vxori filiae[1] Johannis de Thornton liberis et haeredibus Philippi Lardinar. Vide hic paginam.[2]

[1] Omit *filiae.* The presence of this word renders the note meaningless. See page 256, also the *Appendix*, No. 12.

[2] See p. 256.

| *b*

Johannes Thwaytes de Thwaytes. =Johanna filia et sola haeres sorore mortua.

Vide hic paginam[1] . In Compoto Willielmi Ormeshead, 3 H. 6, post mortem Roberti Thornton, ubi Maior praedictum manerium de Davygate Johanni Thwayts et Johannae vxori eius filiae et haeredi praedicti Roberti liberavit per breve Regis.
See ye Indenture of marriage.

Ego Robertus Thornton de Davygate, 5 Apr. 3 H. 5, concessi Johanni de Thwaytes et Johannae vxori eius filiae meae omnis terras etc. quae habeo in parochia de Leke, etc.

Thomas Thwaytes. Alicia filia et haeres Thomae de la Hay. Rogerus Joudrell. =Alicia altera cohaeredum Roberti Thornton obiit sine prole.

19 R. 2, Pater eius dedit ei pro[2] 100 marcas et obiit sine exitu vivente patre. Et conventio talis est: Que Robert ne alien nul part de son heritage en disherison de la dit file. Et en cas que le dit Robert provide que le dit Roger purra recover ascun des etc. que apent[3] a son enheritance, donque Roger et Alice reioyent al eux et heirs de lour corps a toutes jours.

His second wife was Ann Knevet, Aunt to ye 1st Lord Knevet. Obiit seisit[4] de manerio de Davyhall. Inq. 2 H. 8. Maii 26. = Johannes Thwaytes. He bare for his coate *Or*, 3 bendlets *gules*. —Agnes, vxor prima Johannis Thwaytes pro junctura habuit terras, etc. in Kighly, Scolds, Rawden, Newsam, Bingley et Arkwith, 19 H. 7. Postea vxor Thomae Meryng, Armigeri.
Elizabetha fuit altera cohaeredum nupta —— Sothill de Northdighton.

Thomas Thwaytes obiit in vita patris. =Emota filia et haeres Nicholai Middleton.

Johannes Thwaytes obiit infans. Willielmus Fairfax de Steeton miles. =Isabella filia Thomae, et haeres Johannis Thwaytes.

Thomas Fairfax miles. =Dorothea filia Georgii Gaile, Armigeri.

Thomas Dominus Fairfax. =Elena vxor filia Roberti Ask, Armigeri.

Ferdinandus Dominus Fairfax. =Maria filia Edmundi Comitis Mulgrave.

Thomas Dominus Fairfax. =Anna filia et cohaeres Horatii Vere Baronis de Tilbury.

[1] See p. 254.
[2] Read *dote* after *pro*.
[3] *Sic*, for *appartiennent*.
[4] *Sic*, for *seisitus*.

CHAPTER XVIII.

The Castle of York.



THE Castle of York[1] was anciently built, some say by William the First, and many years since burnt, oftener than once. It is no part of the city, but of the County of York at large, although it stands within the walls of the city. The Sheriffs of Yorkshire did, heretofore, successively inhabit herein. It is mentioned in divers English histories that King William the First built four castles in England, viz., two at York, one at Lincoln, and one at Nottingham, but there is no mention at this day of any castle at York but one. But it is said by Leland that there stood another castle upon the place now called The Old Baile,[2] on the west side of Ouse.

The area of this castle, as the same Leland observes, "is of no very great quantity. There be five ruinous towers in it. The arx is all in ruyne. And the root of the hill that it standeth upon is environed with an arme derived out of Fosse water."[3] That part of

[1] William of Malmesbury speaks of a castle in York in the time of King Athelstan (A.D. 926). He relates: "In the mean time Athelstan levelled with the ground the castle, which the Danes had formerly fortified in York that there might be no place for disloyalty to shelter in, and the booty which had been found there, which was very considerable, he generously divided, man by man, to the whole army."—*Chron. Kings Eng.*, Bk. II, c. vi.

[2] Antiquaries are agreed that this is the platform of an ancient castle. See a paper by G. T. Clark, in *The Yorkshire Arch. and Top. Journal*, 1875-6 (vol. iv), pp. 37 and 38.

[3] *Itin.*, vol. i, fol. 61.

the Castle, which now only remains of the old foundation, was the gatehouse only to the Castle, the proportion of the gates yet showing themselves on the east side towards Fishergate Postern, where the great door is walled up, and where the main building of the Castle was, as is manifest by the walls all over the said garth, if it be tried with spade or hack.[1]

Before the building of the mills which are now called The Castle Mills, which is not many years since, as I have heard, the place where the mills are, was a fair green and the only passage from Fishergate Postern to the Castle. It was formerly a place used for shooting, bowling, and other recreations. Although now only occasioned by the dam, it seems a great fosse; yet it is dry in the summer time.

In the 4th year of Edward I, it is found by Inquisition that the Templars held a mill near the Castle at York, which sometime (that is, afterwards) belonged to the Kings of England. (Inter Recorda in Thesaurario Recepti Scaccarii in custodia unius Thesaurariorum et Camerariorum ibidem remanentia, viz., In quadam baga intitulata Tenurae et Inquisitiones, et in quodam Recordo in dorsato ut sequitur De inquisitionibus Domini Regis tangentibus Eborum. Anno 4 Edw. I Civitas Eborum.)[2]

The Assizes for the County of York are held in this Castle which hath reference to all the three Ridings of the County of York, and yet it stands in none of them.[3]

There was heretofore a Constable of this Castle, for I find in an Assize in the time of Henry III (in Ass. in Com. Ebor. crastino Mich. anno 35) mention of the fees and customs belonging to this office, and some are of the opinion that David Lardinar had this office.

There were two chapels in or near this Castle. In Pat. 19 Richard II, p. 2, m. 34, the custody of the King's Free Chapel within the Castle of York was granted to S. Gamsteed.[4] In Pat. anno 29 Edward III, p. 2, m. 14, *in dorso*, there was granted 6*s.* 8*d.* out of tenements at Sandhutton to the King's Chapel without the Castle.

[1] Hack = pickaxe.

[2] "Among the Records remaining in the Treasury of Receipts of the Exchequer in the custody of one of the Treasurers and Chamberlains there, namely in a certain bag, entitled *Tenures and Inquisitions*, and in a certain record endorsed as follows: *Of Inquisitions of the Lord King touching York, in the 4th year of Edward I, City of York.*"

[3] Sir Thomas adds here: "I shall give you in an *Appendix* the list of the Sheriffs of the County of York since the year of Henry II." This list is missing in the MS.

[4] *Sic*, for Gannstede.

Many lands were holden by special tenures, relating to the custody and safe-guard of the Castle.

In a book of tenures kept in the King's Remembrancer's Office in the Exchequer, there are the following items. The title of the book is this :—

Iste liber compositus et compilatus fuit de diversis inquisitionibus ex officiis captis tempore Regis Edwardi filii Regis Henrici et sic contenta in eodem libro pro evidentiis habentur hic in Scaccario et non pro Recordo.[1]

COM. EBORUM. Ad-huc[2] de TESTA DE NEVILL.[3]

"(1) The Castle at York is worth by year X*s.*[4] Fol. 688.[5]

"(2) Robert Balistarius[6] doth hold by serjeanty four acres and a half in Gevedale,[7] by the service of one balister.

"(3) John D. Walkingham[8] holds by serjeanty four carucates of land by the same service, and is worth by the year vi marks.

"(4) John le Poer holds five carucates and a half of land by the service of an archer in the Castle at York, and is worth by year x*s.*[9]

"(5) *Docket homo Camerary* holds land in the City of York, which belong to the custody of the gate of the Castle, and is worth by year I*s.*[10]

"(6) David le Lardinar holds one serjeanty; and he is keeper of the Gaol of the Forest, and seller of the cattle that are taken for the King's debts.

"(7) Richard, the son of Vido of Aflakeby, holds two carucates of land by the service of fitting the King's *timerium*, and is worth by the year xl*s.*

"(8) John de Cawood holds two carucates of land in Cawood, by

[1] "This book was composed and compiled of divers inquisitions taken *ex officio* in the time of King Edward, son of Henry. And so the contents of the same book are held here in the Exchequer for evidences and not for record."

[2] Sir Thomas also gives this reference: "Ad-huc de serjeantiis per Rob. Passelewe tempore H. filii Regis J., fol. 690." This should be fol. 681. In the printed copy see fol. 376.

[3] This was published in the Record Series in 1807 under this title: *Testa de Nevill sive Liber Feodorum in Curia Scaccarii. Temp. Hen. III et Edw. I.*

[4] *Sic*, for C*s.*

[5] Should be fol. 680. See fol. 378 in the printed copy.

[6] A *balistarius* was a cross-bowman. *Balista* is used for the cross-bow, but the full word is *arcubalista.*

[7] This refers to Givendale.

[8] *Sic*, for Wallingham.

[9] *Sic*, for C*s.*

[10] *Sic*, for iiij*s.*

the serjeanty of keeping the Forest between Ouse and Derwent, but the value is not known.

"(9) Robert de Gevedale and Thomas de Gevedale, do hold all Gevedale, by balistery to the Castle of York."

That book goes thus far.

Escheat. 25 Edward III, No. 51: Anketyne Salvayn, Knight, did hold the day of his death, four tofts and four oxgangs and a half of land in North Dalton of the King, *in Capite*, as of his crown, by homage, and the sixth part of a certain serjeanty; which entire serjeanty is held of the King *in Capite*, by the service of finding one man with bow and arrows in the Castle of York, at his own charge for forty days if there be war in the County of York; and paying to the King in his Exchequer, by the hands of the Sheriff of Yorkshire, xv*s.* at Easter and Michaelmas.

Escheat. 20 Edward III, No. 46:[1] John le Archer held the day of his death, one messuage and four acres of land in Yapam, or Yarom,[2] of the King *in Capite*, by the seventh part of a certain serjeanty, which entire serjeanty is held of the King *in Capite*, by finding one man with bow and arrows in the Castle of York as before.

Escheat. 19 Edward III, No. 48;[3] (et) Escheat. 3 Edward II, Adam de Staveley: William, the son of Cecily de Staveley, of North Gevendale,[4] held the day of his death certain lands in that town, and in East Gevendale,[5] of the King *in Capite*, by the service of a ninth part of a certain serjeanty, which entire serjeanty is held of the King by the service as above.

Escheat. 51 Edward III, No. 13: Agnes de Gevendale at the day of her death held one messuage and land in East Gevendale of the King *in Capite*, to find, with her fellows, one ballister within a certain tower in the Castle of York, for the safe custody of the Castle in time of war.

The round tower near the Castle was built by William the Conqueror, and is called Clifford's Tower. Probably it hath derived the name because the Lord Clifford was Castellan, Warden, or Keeper of it, as Walter Strickland, of Boynton, Esquire, a good antiquary, was of opinion. The Lord Clifford hath also anciently claimed to carry the sword of the city before the King in this city at such time as the King came there. I find some memorials of this in the books of the city.

The first which I find was upon the coming of the late King James,

[1] *Sic.* For No. 46, read No. 6.
[2] Yapham, near Pocklington.
[3] This reference is wrong.
[4] Near Ripon.
[5] Near Pocklington.

in the year 1603, out of Scotland, which is mentioned in the city book in this manner :—

"The 26th of April, 1603, one Mr. Lister came from the right noble Lord George, Earle of Cumberland, Lord Clifford, Knight of the Most Honourable Order of the Garter, to acquaint the Lord Mayor and Aldermen how that the said Earle, according to his Right, expected to beare the Sword before the King in this City, in such sort as his Ancestors have been accustomed to do; To whom this Answer was made, That for as much as it doth not appeare by any of the ancient presidents of the City, that either the Earle or any of his Ancestors have before this tyme borne the said Sword before any of the King's progenitors, nor hath the said Earle shewed any writing in that behalf, but claymes this by Prescription; Therefore they ordered that Mr. Recorder and Mr. Robert Asqwith, alderman, should wayt upon the Earle, and answer him, That ye Lord Mayor will deliver the Sword to the King himself, and leave it to his pleasure who shall beare the same, whether the Lord Mayor, or Earle, or any other. And the same 26th day of April, before the King came to the City, Sir Thomas Chaloner came to the Lord Mayor, Recorder, and Aldermen, to know from them who had formerly borne the sword before the King in the City, because he heard that the Earle of Cumberland did clayme to carry the same within the City, as his Inheritance, and that the Lord Burleigh pretended to carry the same as Lord President of ye Counsell established in the North parts. And Sir Thomas Chaloner affirmed That ye King's special care was, that such persons as had right should carry the same. Hereunto the Lord Mayor, with the advice of Mr. Recorder and of the Aldermen made their Answer that the Earle of Cumberland had oftentimes affirmed in the tyme of Queen Elizabeth, That he ought and had Right to carry the Sword before the Queen, if she came to the City of York, and that his Ancestors had borne the same before other her progenitors Kings of England within this city, and that it was his inheritance; And since the death of the late Queen he hath claymed the same, and the common and general report of the antient citizens is, and of long tyme hath been, that it belonged to the said Earle, and that by report of antient men the last tyme that King Henry VIII was at this City, the then Lord Clifford, father of this Earle (the then Earle of Cumberland, father to the said Lord Clifford, being imployed in the special affaires of the said King in the north parts) offered to carry ye Sword before the said King Henry VIII within the City, which was then opposed by some honourable persons in favour with the King; and the Lord Clifford then made the Earle his father's Right and Title thereto so clear and apparent, that the opposers

could not gainsay the same; but to prevent the Lord Clifford's desire for the present, did alledge, that howbeit the Earle of Cumberland had such Right, yet his son the Lord Clifford could have no Title thereunto in the life of his father; and they also objected that the Lord Clifford rode on a Gelding furnished in the northern fashion, which was not comely for that Place. To ye first, the Lord Clifford answered that the Earle his father being employed in the King's affairs, he trusted that his absence should not be made use of to the prejudice of his Inheritance, And for the supply of the defects of his horse and furniture Sir Francis Knollys, a pensioner, alighted from his Horse and gave it to the Lord Clifford, and King Henry VIII perceiving the Earl's Right dispensed with his Absence, and delivered the Sword to the Lord Clifford his son, who carried it before the King within the city."

"In the year 1617 the late King James in his progress towards Scotland came to this City; but before the King's entry into the City, the King being then in the Aynsty, the County of the City, the Earle of Pembroke, then Lord Chamberlayn, asked for Sir Francis Clifford, Lord Clifford, then Earle of Cumberland for to carry the King's Sword before the King, which the sayd Earle refused, answering That his Ancestors had allways used to carry the City Sword, before ye King and his noble progenitors, *within* the city. The Lord Sheffield, then Lord President of the North, hearing this, said,

'If he will not carry it, give it me to carry.'

"The Lord Chamberlain replied, 'Shall the King ride in State, and have no Sword carried before him?' Thereupon the Lord Chamberlayn and the Earle of Cumberland went to the King to know his pleasure, which the King signified to be that the Earle of Cumberland should carry his Sword till he came within the Gates of the City, and then should take the City's sword, which the Earle did accordingly; And when the King came within the Bar of the city, Robert Askwith, Lord Mayor, delivered the Keys, Sword, and Mace to the King, and the King delivered the Sword of the City to the Earle of Cumberland, which he carried before the King in the City."

The 30th of March, 1639, when the late King Charles came to York, in his progress toward Berwick, I find an entry made in the book of the City to this effect anent this matter:—"The Sword of the City was borne before the King by Thomas Earle of Arundel and Surrey, Earle Marshall of England, for that the Lord Clifford, who was chief Captain of this city, was then absent and in the King's service at the city of Carlisle, who of Right should otherwise have borne the same, as at other times his father and others of his Ancestors had done; and the Lord Mayor bore the City's Mace, and afterwards

during the King's abode in the City (which was for the space of one month) the Sword of the City was borne before the King by divers of the lords in their Courses, severally, and not allways by one and the same person, till the Lord Clifford came to the City, and then he bore the Sword before the King, as of Right due to his father, ye Earle of Cumberland, who was then infirme and not able to attend the service."

CHAPTER XIX.

Parliaments, General Councils, and the General Courts of Justice held at York.

♣ ♣

THE business of this chapter is to speak of Parliaments, and other great Courts and Councils kept and holden at York anciently.

In the fifth age of the world,[1] some 400 years before the birth of Christ, after the death of Molmutius,[2] King of Britons, who enacted certain laws called Molmutine Laws, his two sons, Belinus[3] and Brennus divided his kingdom between them, till Brennus, the younger, aspiring at the whole, was vanquished and expelled by his brother into France. In this war, Gurthlac, King of Denmark, was taken prisoner by Belinus, *qui congregavit omnes regni proceres apud Eborum consilio eorum tractaturus*[4] what should be done with Gurthlac, who proffered submission and the payment of an annual tribute.[5]

[1] Geoffrey of Monmouth, lib. III.—T. W.

[2] Matthew of Westminster, Etate 5, p. 53 et 54.—T. W.

[3] Belinus built a good new port at Troynovant, or London, which to this day is called Belingsgate.—T. W.

For these fabulous matters see Geoffrey of Monmouth, *Brit. Hist.*, Bk. II, c. xvii, and Bk. III, c. v. Dunwallō Molmutius is said to have begun to reign 444 B.C., and to have been the 16th King of the Britons.

[4] "Who called together all the nobles of the realm at York to debate by their council.'

[5] Matthew of Westminster, Etate 5, p. 56.—T. W.

The nobles resolved that he should be enlarged upon that condition.

In the year of our Lord 1072, being the 6th year of King William the First, the 6th of the Ides of April, a General Council for England was held at York.[1]

In the 2nd year of William the Second, commonly called Rufus, a Parliament was held at York—1089.[2]

Justiciarii Itinerantes apud Eborum, 30 Henry II, being the first that appears for that shire, though they began in the 22 Henry II, as appears by Mr. Selden's notes upon *Hengham:* Galfridus de Luci,[3] Hugo de Norwic, Hugo Murdac,[4] Rogerus Arundell,[5] Galfridus de Nevill,[6] Willielmus le Vavasour,[7] et Galfridus Haget[8] Justiciarii Itinerantes apud Eborum.

In the time of Richard I, in the year 1196, after his return from the Holy War, a Council was held at York, but little effected.

A Council was held at York in the time of King Richard I, Pope Celestine being Pope, by Hubert,[9] the Pope's Legate, then Archbishop of Canterbury, and Chief Justice of England. This was the time when [Geoffrey] was Archbishop of York. Roger Hoveden in his *Annals* (fol. 429, pars posterior) makes mention of Pope Celestine's letters in that behalf, and of *Decreta Eboracensis Concilii.*

In the 11th year of Henry III, I find an Assize levied "in Curia Domini Regis apud Eborum in Crastino Epiphanie anno Regni Regis Henrici Filii Regis Johannis undecimo, coram Roberto de Veteri

[1] Matthew of Westminster, lib. II, p. 4.—T. W.

[2] *Mon. Ang.*, Ex vetusta membrana in Turri S. Mariae Eborum quae fuit in esse, 1628.—T. W.

[3] See p. 257.

[4] He belonged to the same family as the Abbot of Fountains Abbey, who was promoted to the Archbishopric of York 1147. Just. Itin. 1179.—Foss, *Judges Eng.*, vol. i, p. 282.

[5] Just. Itin. at the close of the reign of Henry II, 1189. He was also *custos* of the farms and manors of the See of York during its vacancy at this time.

[6] *Sic*, for Alan de Neville.—Just. 1165.

[7] *Ibid.*, vol. i, p. 422. Vide *ante*, 257.

[8] He, and his father Bertram, are mentioned on pp. 143, 144, concerning Healaugh and its priory. He died unmarried, and his property was divided between his sisters (*Vide* p. 144, *Wighill*). His sister Alice is named on p. 154 under *Sinningthwaite.* Geoffrey Haget and William de Stuteville were *custodes* over the county of York, when Archbishop Geoffrey Plantagenet, who was Sheriff of the county, refused to appear before the Commissioners appointed to determine the controversy between the Archbisbop and the Canons of York. *Ibid.*, vol. i, p. 384.

[9] Archbishop of Canterbury 1193-1207.

Ponte,[1] Johanne filio Roberti,[2] Martino de Pateshill,[3] Thomas de Muleton,[4] Briano de Insula,[5] Willielmo de Insula,[6] Richard de Duket,[7] Justiciariis Itinerantibus et aliis Domini Regis fidelibus tunc ibidem presentibus inter Willielmum Fairfax et Aliciam uxorem ejus petentes et Hugonem Magistrum Sancti Leonardi Eborum tenentem de terris, etc., in Acomb. The fine was levied upon an Assize of Mort d' Ancestor."[8]

The like appears by another fine levied *in Curia Domini Regis apud Eborum.*[9]

Another fine was levied[10] "in Curia Domini Regis apud Eborum in Crastino S. Johannis Baptiste anno Regni Regis Henrici filii Regis Johannis tricesimo coram Rogero de Thurkelby,[11] Gilberto Preston,[12] Magistro Simone de Walton,[13] et Johanne de Coleham,[14] Justiciariis Itinerantibus et aliis Domini Regis fidelibus tunc ibidem praesentibus inter Rogerum le Wanton et Mildon uxorem ejus petentes, et fratrem Willielmum Magistrum Hospitalis Sancti Petri Eborum tenentes, de uno tosto cum pertinentiis in Wichton unde placitum fuit inter eos in eadem Curia," etc.[15]

[1] See *ante*, p. 18. Just. Itin. 1218.—*Vide* Foss, *Judges Eng.*, vol. ii. p. 496.

[2] *Ibid.* I do not find when he was made a Justice.

[3] See p. 122, *note.*

[4] Thomas de Muleton was a man of restless and determined ambitions, and suffered repeated disgrace, but quickly rose again into favour. Just. Itin. 1219; Just. 1224; C. Just. 1236 (?).—*Vide* Foss, *Judges Eng.*, vol. ii, p. 415.

[5] Brian De l'Isle was a devoted adherent of King John. Under Henry III he was at first in disgrace, but rapidly rose into favour. It is not certain whether his name refers to the Isle of Ely or the Isle of Wight. Just. Itin. 1226.—*Ibid.*, vol. ii, p. 370.

[6] Just. Itin. 1225; Just. 1228.—*Ibid.*, vol. ii, p. 373.

[7] His father was Chamberlain of the City of London at the end of the reign of Richard I. His own name appears on grants 5 and 8 John. Just. Itin. 1225. It is probable that he became a regular Justiciar.—*Ibid.*, vol. ii, p. 312.

[8] This I find in a Chartulary of the Hospital of St. Leonard.—T. W.

[9] *Ibidem*, Fol. 8.—T. W.

[10] Chart. S. Leonardi Eborum, fol. 232—T. W.

[11] See p. 123, note 1.

[12] See p. 123, note 4.

[13] "Magister Simon de Wautone" (*Vide* Claus. Rot. 30 Hen. III, m. 8 *in dorso*), so called from the place of his birth, became Bishop of Norwich in 1257 (Aug.). He was appointed Just. Itin. 1246; Just. 1247: C. Just. 1257 (April).

[14] *Sic*, for Cobeham, or Cobbeham. This John was son of Henry (Just. Itin. 3 Hen. III), and father of John (Just. Itin. 1268; Just. 1270; B. E. 1276). He became a Justice in 1244.—Comp. Dugdale and Foss.

[15] ". . . in the Court of the Lord King at York on the morrow of St. John the Baptist in the thirtieth year of the reign of King Henry, son of King John, before

Anno Domini 1268, the day before the Ides of June, there did sit four Justices and many other great men in the Old Bale of the City of York. There was to be tried by duel which concerned a certain pasture lying between the bounds of the towns of De Sexdecim Vallibus and of Brideshale, distinguished by metes and measures in a chirograph made thereof and publicly debated by the Justices of Assize, and adjudged to the Plaintiffs, who were three, that is to say the Abbot of St. Mary's of York, the Prior of Kirkham, and the Lady Geneser, as belonging to their town De Sexdecim Vallibus. But at the instance of the Justices and of other great men, the parties, who had the Judgement, gave by their own voluntary recognition, before them all, to the other parties, that is to say to the Lady Peter de Malo Lucu LX marks of silver for their expenses, and for their love, and to Geneser, that is to say, Peter de Brus.[1]

Anno 1299, in 26 Edward I, a Parliament was held at York, but little done in it, but the same Parliament was afterwards adjourned to Westminster.

At a Parliament held at London at Easter in the 26th year of King Edward, son of King Henry, it was ordained that the Exchequer and the Bench should be held at York, at the Feast of the Holy Trinity, and that they should be held within the Castle. And command was given to the Sheriff that if there should be any want of houses, or other things, he should cause them to be made.

There was a Parliament held at York in the time of King Edward I, where that King, making war for the repression of the insolencies and rebellions of the Scots, and to subdue them to obedience, sent for the chief men of Scotland thither. But they not coming, the King went from York to them with a strong army, and had a battle, in which many of the Scots fell, and the crown of the King of Scots was taken. And after, in the Feast of St. Martin, the King came to York, the Parliament being held there.

And it should seem that when this King was in his wars against Scotland, and there himself, that the General Courts of Justice were

Roger de Thurkelby, Gilbert Preston, Master Simon de Walton and John de Cobeham, justices itinerant, and other faithful servants of the Lord King being then present there, between Roger le Wanton and Mildon his wife, demandants, and Brother William, Master of the Hospital of St. Peter of York, tenant, of a toft with appurtenances in Wichton, concerning which there was a plea between them in the same Court, etc."

[1] In Bibl. Bodleiana Oxon., 8vo, W. 46, Theol. MS. *Annales Monasterii B. Mariae Eborum.*—T. W.

then frequently held at York. The words of Thomas Walsingham[1] are these, the idiom being only changed: "The King having subdued Scotland to his will, came into England, and when he came to the City of York, he did command the Sessions of the Justices of the Bench and Exchequer, which had remained at York seven years, to be transferred to London."

In Edward II's time, after the battle of Stirling, where the English were defeated,[2] the King came to Beverley, and afterwards to the City of York, *ubi magnum cum clero tenuit consilium et regni magnatibus universis.*

Claus. Rot. 11 Edward II, m. 14[3]—"The King to the Sheriff of York greeting: Whereas we have ordained that our Chequer and our Common Bench should be transferred to York, and should be there held, we command you that you cause our houses, within the Castle of York, at other times ordained for the Chequer and Bench aforesaid, by the view and witness of honest and lawful men of your Baylywicke forthwith upon sight hereof, out of the issue of your Baylywicke to be repaired and amended, And hereof you are in no wise to fail. And those charges which you shall be at in the premises we will cause to be allowed in your accompt at our Exchequer.

Witness: The King at York, the 20th day of August."

"The King to our Beloved and Faithful Henry le Scroope[4] greeting: Because by the Counsel of the Prelates and Peers of our Kingdom, we have ordained that our Exchequer and our Bench be transferred to York, and there held, whilst, for the expedition of our war of Scotland,[4] our stay shall be necessary in the north parts, or until we shall think fit to ordain otherwise, we demand ye, that setting all other business apart, ye be at York in the Octaves of St. Michael,

[1] Thomas Walsingham, fols. 75, 89, 106.—T. W.

Thomas Walsingham was a monk of St. Albans, and the chief copyist of that Abbey at the close of the 14th century. His *Historia brevis Angliae*, compiled largely from the *Chronicle of St. Albans* and *Polychronicon* (see *ante*, p. 12, note 3), was published by Archbishop Parker in 1574. Walsingham also wrote a history of Normandy, and had much to do with the continuation of the famous *Chronicle* named above.

[2] The battle of Bannockburn, fought June 25th, 1314, about two miles from Stirling. King Edward escaped by taking refuge in Dunbar; thence by sea he fled to Berwick. It is said that the English and Scotch troops numbered 100,000 and 30,000 respectively.

[3] There is no such entry on this Roll. There is a similar order on m. 6, of 12° Edward II, dated 30th May, and other orders referring to the same occasion.

[4] Just. C. P. 1308; Ch. K. B. 1317; Ch. B. E. 1330. He died in 1336.—*Vide* Foss, *Judges Eng.*, vol. iii, p. 499.

next coming, to hold the Pleas in the same Bench, together with other our lieges according to the law and customs of our kingdom.

"Witness: The King (etc., as above)."[1]

There was a command in Parliament to carry the Rolls of Parliament, as also the Rolls of other Courts, to York, that the Exchequer and other Courts might be holden there, and it was done accordingly (B. W., 12 Edward II, m. 14).

The Statute commonly called the *Statute of York*[2] was made there, at the Parliament held there, 20th of October, 12 Edward II, A.D. 1318.[3]

In *Polychronicon*, lib. VII, fol. 312, it says that in the 15th year of Edward II (A.D. 1322), about the Ascension of our Lord, the King held a Parliament at York, and there made Hugh le Spencer, Earl of Winchester, and Andrew Harclee,[4] Earl of Carlisle.

In the 7th year of Edward III the Court of Common Pleas was held at York. A fine levied there between Thomas le Vavasour, and Joane his wife, complainants, and Mauger le Vavasour deforciant of the manor of Denton, and the moiety of the manor of Askwith.[5]

And it appears by a writ of Prohibition directed to the Mayor and Bailiffs of York for a Clerk in Chancery (M. 8 Ed. III), that the Chancery was then held at York, the writ bearing *Teste* at York, the 12th of December, in the 8th year of Edward III (Reg. of Writs, fol. 47).

There was another Parliament held at York, in the 9th year of Edward III (A.D. 1335), and the Statute for Money[6] was made there the same year.

In the 14th or 16th year of King Richard II, the Court of the King's Bench and Chancery, and the other Courts of Justice, were removed from London to York, Neville, the Archbishop of York, the Lord Chancellor, being very tender of the advantages of the City of York. And there they remained from Midsummer till Christmas following (*Vide* Stowe's *Annals*, fol. 308).

[1] This does not appear in the place named above, but there is a similar entry in Claus. Rot., 12 Ed. II, m. 29, *in dorso*.

[2] Vide *Statutes of the Realm*, ed. MDCCCX, vol. i, fol. 177—ex Magno Rot. Stat., 12 Edward II, m. 32. The title appears in the printed series of the Statutes, but it is not on the Roll.

[3] Tho. de la Mort, *De Vita Edwardi II*, fol. 596.—T.W. See Camden, *Anglica Scripta*.

[4] *Sic*, for Harkeley.

[5] Inter Fines apud Eborum, M. 7 Edward III coram Willielmo Herle et aliis sociis suis in all 7, and recorded M. 8 Ed. III. And a fine M. 8 Ed. III of the same lands.—T. W.

[6] Vide *Statutes of the Realm*, vol. i, fol. 237—ex Rot. Fin., 9 Edward III, m. 10.

In the 22nd year of King Richard II, the Court of King's Bench was held at this City, as appears by a Book case, F. Challenge 177.

King Henry IV did remove from London the Courts of Justice and Terms to be kept at York, that is to say, the Chancery, King's Bench, the Common Pleas, and the Exchequer, where the same continued from Midsummer until Christmas.[1]

And King Henry VI, by his Charter, dated the 27th year of his reign, made to this city, doth recite that the City of York for the present is much diminished, and in great decay, and for a long time hath no help nor relief by the King's presence there, nor by his Courts, Councils, nor Parliaments.

Prince of Wales crowned at York, 29th Aug. 1483.[2] King Richard III came to the City of York, the Queen and the Prince with him, and many of the great men, and was received in procession by the City at the Chapel of St. James, and so entered into the City, and went to the Cathedral Church of St. Peter, and there was honourably received by the Dean and Canons, at the west door of the Church; and afterwards the King went into the Archbishop's Palace, and in the feast of the birth of St. Mary next following the King and Queen came crowned in procession to the Church, the prince and all the lords attending on him till six o'clock, and afterwards returned into the Palace, and then the Prince was created by the King before dinner in the hall, and sat crowned at dinner four hours.[3]

In the year 1640, in the year of the late King Charles, the 24th day of September, there was a great council held by the King and Lords, in the Dean's Hall, in the City of York,[4] which was dissolved the 18th day of October following, and was preliminary to the Great Parliament, which began the 3rd day of November, 1640. And indeed in that council the Lords did advise the King to call a Parliament. And all the writs for that Parliament have *Teste* at York.

[1] The following appears as a detached note on fol. 161 in the MS. :—

[6 H. IV, Parl., numero 21 : It is enacted that the King for one whole year shall take the profits of all annuities, fees, and wages granted by King Richard II, except of Justices, Barons of the Exchequer, and other officers of any of his Courts whatsoever.]

[2] Edward, Prince of Wales, son of Richard III. He was born before his father secured the throne, about 1476, and died 1484.

[3] This appears as a detached note in the MS.

[4] The Council was called because of the disaffection and hostile attitude of the Scotch. The writs of this assembly of the Peers were issued on Sept. 7th. Terms were made between the two countries, to the disadvantage of Charles, by the Treaty of Ripon.

CHAPTER XX.

Several Statutes and Acts of Parliament Which concern the City of York.

♣ ♣

BY the Statute made at Acton Burnell,[1] in 13 Edward I, ordaining the Statute Merchant for recovery of debts, this ordained that the merchant for his debt shall cause the debtor to come before the Mayor of London, YORK, and Bristol, which there are all the particular towns named in that Act.

By the Statute of the 2nd year of Henry the VI, cap. 14, it is ordained that in the City of York, Newcastle-upon-Tyne, etc., that every one of them shall have diverse touches[2]

[1] In Shropshire. Vide *Statutes of the Realm*, vol. i, fol. 98—ex. Mag. Rot. Stat., 13 Edward I, m. 46, *in dorso*. This Statute commences: "Forasmuch as merchants, which heretofore have lent their goods to divers persons, be fallen in poverty, because there is no speedy remedy provided whereby they may shortly recover their debt at the day of payment; And for this cause, many merchants do refrain to come to this realm with their merchandize, to the damage of such merchants, and of all the realm, The King, etc., hath ordained, etc., for the remedy of such merchants, etc." This is referred to on p. 86 also.

[2] Touch=that by which anything is examined, tested or approved. "Equity, the true *touch* of all laws."—CAREW. The use of the word as employed in the text is very fully explained by the *Statutes of the Realm*, vol. ii, fol. 224—ex. Rot. Stat., 2 Henry VI, m. 12-10. Under *London* it is said, "That no goldsmith nor jeweller nor any that worketh silver shall set any of the same to sell within the city, before that it be *touched* with the *Touch* of the leopard's head; And if it may be found that the keeper of the *Touch* touch any (vessel) with the leopard's head, except it be as fine as the sterling, that then the Keeper of the Touch shall forfeit," etc.

according to the ordinance of the Mayors, Bailiffs, and Governors of the said towns.

By the Statute of the 15th year of Henry VI, cap. 5, every juror in an attaint ought to be able to expend £XX a year, unless it be in cities and boroughs. In 12 Edward IV, 13, an attaint was brought in the City of York upon an assize (Pigot).[1] This forprise is of cities which are not counties of themselves, but the City of York is a county of itself, and the writ is directed to the Sheriff of the said City of York. But it was resolved that the exception being general it shall be intended as well of cities which are counties as of others.[2]

29 Henry VI, cap. 3: Letters Patents, granted to the citizens of York, to be free from the offices in the City, are declared void.

12 Edward IV, cap. 8: All Letters Patents granted for searching of wines and victuals in the City of, etc., are void. But there is in that a proviso that officers in York may sell wine and victuals by retail during the time of their office, which proviso only extends to York, London and Coventry. See the Statute of 3 Henry VIII, cap. 8, which qualifies the body of that Act in some particulars, but contains a proviso as to York, and the two other places before mentioned.

By the Statute of 21 Henry VII, cap. 17: Letters Patents made to the aid of York, concerning shipping and conveying of wool, and woolfells, are repealed.

By the Statute of 4 Henry VIII, cap. 7: That no person within the City of London and York, or without, either cast or work any pewter vessel or brass.

The Letters Patents, made by King Henry VIII, the 22nd of August, in the 15th year of his reign, unto the Mayor and Citizens of York, to ship, convey, transport, and carry unto the port of Hull, in the County of York, wools and fells of the growing of divers places in the said county expressed, are by Act of 21 Henry VIII repealed and annulled.

23 Henry VIII, cap. 13: Fishgarths, piles, and other engines, set in the Rivers of Ouse and Humber, shall be pulled down; and 23 Henry VIII, cap. 19, the commissions in this behalf are to be directed to sage persons, whereof four are to be of the Citizens of the City of York and Kingston-upon-Hull, the King to have the moiety of the forfeitures and fines, and the Mayor and Citizens of York the other moiety.

A private Act anent the City of York: It is directed upon the petition and complaint of the Mayor and Commonalty of the City of

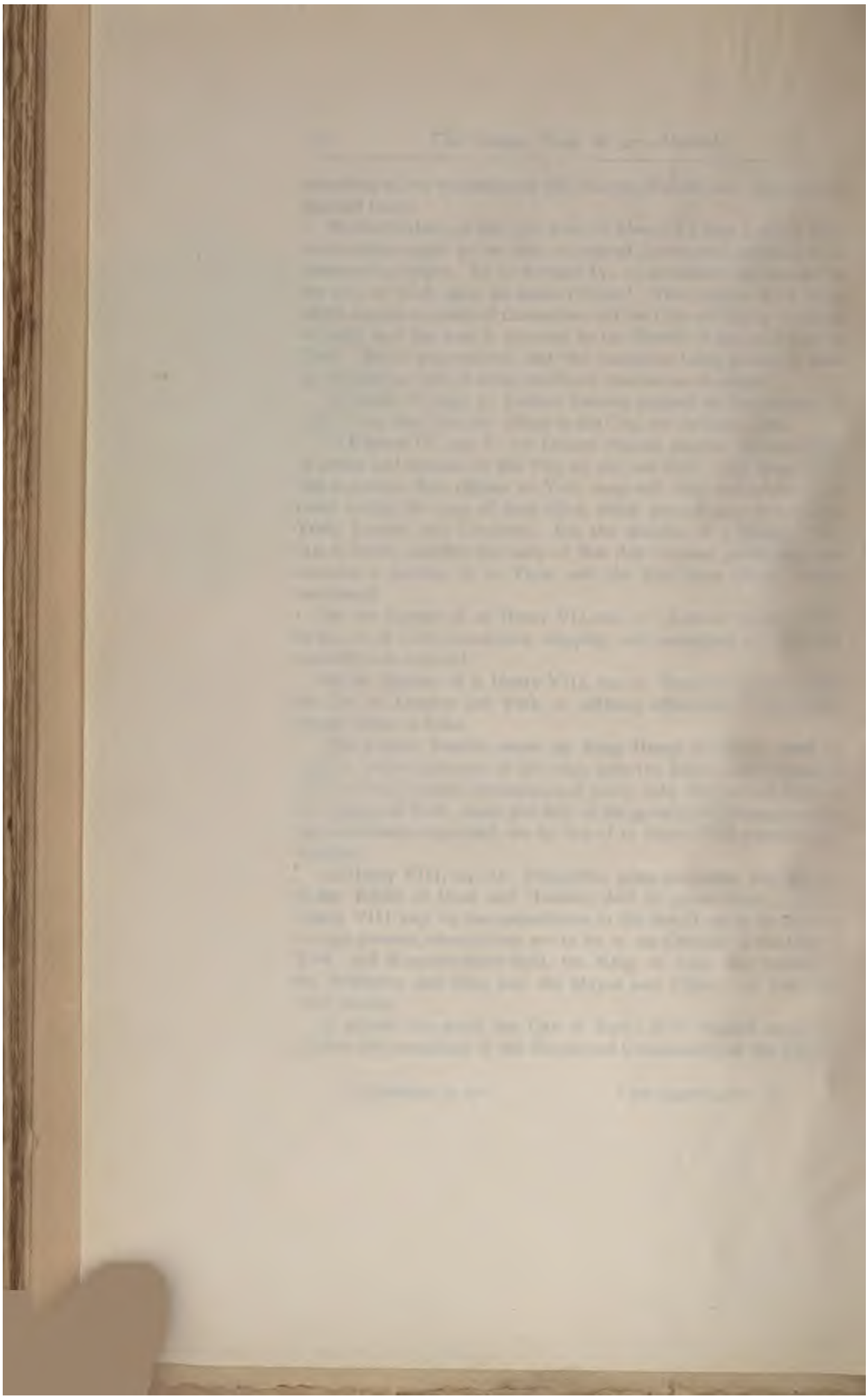
[1] F. Challenge, 59, 178.

[2] See Appendix, No. 13.



THE ANNULLED GRANT OF HENRY VIII.
(SEAL WANTING).

Opp. p. 276.





THE ANNULLED GRANT OF HENRY VIII.
(SEAL WANTING).

Opp. p. 276.



York that where Thomas, Earl of Rutland, claimed a hundred pounds a year to him, and his heirs, by reason of an exchange betwixt King Edward II, and Thomas Lord Ros, ancestor to the Earl, whereof there had been paid but only 20 marks by year, and no sufficient discharge for the rest, For that the city is and long hath been in ruin and decay, and not able to pay the said rent, and other rents that they stand charged with, viz. :

To the Dean and Canons of St. Stephens at Westminster - - - - -	£35	14	7
To Sir William Fairfax, Knt. in the right of his wife - - - - -	7	12	2
To the Lord Darcy for his life - - -	9	2	6
To the King in the Exchequer for the proffers and charges of accompt - - -	15	0	0
To nine Chantries - - - -	42	0	0

Besides the Recorder's fee, the fees of the other Councillors and necessary Officers, the keeping of their houses in repair, besides casual charges, as well in time of war in finding of a Captain and one hundred armed men, as at all other times, for the maintenance of four great stone bridges and the walls of the city, amounting to the sum of £400; And the rents and profits certain and casual received do but amount to £100, so the charge surpasseth the receipt; And the tolls which the Mayor was commonly wont to have, amounting to £240, were discharged by Letters Patents from King Richard III, who had also released the Fee Farm to the city, but the release was repealed and yet the discharge of the tolls stood; Now it was in consideration hereof enacted that the Mayor and Commonalty should be discharged of all rent which they paid for the Chantries, and of £60 parcel of the £100 to the Earl of Rutland, and of £5 14*s.* to the Dean and Canons of St. Stephen's, Westminster. The rent of the Earl is to be paid at Michaelmas, and our Lady-day, or within forty days, with a *nomine poenae* of £5.

There is this clause in the Act:—"And that all and singular grants, gifts, covenants, fines, judgments, recoveries, and assurances whatsoever, heretofore had, or made by, or against the said Mayor and Commonalty, or their predecessors, or any of them for them and their successors unto any person or persons, or body politic for ye same payments, charges, and assurances of the same yearly rents, annuities, and other charges wherewith the said Mayor and Commonalty stand charged as is aforesaid, shall from henceforth be also clearly void and of none effect." Another clause runs thus: "Provided always that [neither] this present Act, nor anything therein contained, shall

[be] in any wise hurtful or prejudicial to the said Dean or Canons of St. Stephen's, nor to their successors, for or in the yearly payment of £30 sterling, residue of the said yearly rent of £35 13*s.*[1] 7*d.* above the said deduction, as is aforesaid, but that the said Mayor and Commonalty and their successors for ever shall stand, and be charged and chargeable unto the said Dean and Canons, and their successors for and in the yearly payment of the same £30 sterling yearly, after and according to such form, manner, and condition, as hath been heretofore used and accustomed. And that all grants, patents, and other assurances heretofore had and made, shall for and in the right title and demand of the said £30 sterling yearly, and not above, stand in full strength, virtue, and effect: This Act in any wise to the contrary notwithstanding."

A grant from King Edward IV to the Dean and Canons of St. Stephen's of £35 14*s.* 7*d.*, "to be perceived yearly from the Feast of St. Michael the Archangel last past out of the Farm of our city aforesaid by the hands of the Sheriffs that shall be for the time, until it shall be provided them by us, or our heirs, or revenues and possessions ecclesiastical, or of other revenues to the value of the sum aforesaid, yearly to be had to them, and their successors, making mention by express words that the grants thereupon to be made shall be in recompense for the same thirty five pounds, fourteen shillings, and sevenpence." This patent bears date the 16th day of July in the first year of Edward IV.

York is one of the places appointed for Sanctuary by the Statute of 32 Henry VIII, cap. 12. This was an Act made for limitation of sanctuaries, and nominates the City of York for one of the places of sanctuary appointed by that Act. This Act seems to be repealed by a general clause in the Statute of the 1st year of King James, cap. 25, which takes away all Statutes made concerning abjured persons and sanctuaries. Yet the same Statutes are again revived by the Statute of 21 James, cap. 28, by which later Statute nevertheless it is further enacted that no sanctuary or privilege of sanctuary shall thereafter be allowed or admitted in any case.

Upon the Statute of 32 Henry VIII divers commissions issued. One was at York.

34 Henry VIII, cap. 10: This is an Act concerning the making of coverlets at York, and not elsewhere in Yorkshire, if they be put to sale.[2]

[1] *Sic*, for 14*s.*

[2] The preamble of this Act gives an interesting testimony to the importance of York in the days of the Tudors. Sir Thomas, in his *Elegies*, refers to this. "Whereas the city of York, being one of the antientest and greatest citties within

There was an Act of Parliament made in the first year of Edward VI, for uniting of certain Parish Churches in the City of York,[1] with divers articles containing that matter which you may read more at large in the chapter "Of Parish Churches."—*Vide* the *Book of Statutes* at large.

By a Statute made in the 7th year of Edward VI in the City of York there shall be but eight taverns.

In the first year of Mary, the first Parliament, cap. 14, an Act was made for re-edifying the Parish Church of St. Helen's in Staynegate[2] in York, which was put down by the Statute 1 Edward VI.—*Vide* the *Book of Statutes* at large.

the realme of England, before this tyme, hath been maynteyned and upholden by divers and sundry handicraftes there used, and most principally by making and weaving of coverletts and coverings for beds; and thereby a great number of inhabitants and people of the said citty, and suburbs thereof, and other places within the county of York, have been daily set on work in spinning, dying, carding, and weaving of the said coverletts," etc.

This Act contains the right for the sole making and vending of the said commodity in York.

[1] See pp. 167, 168.

[2] The old mode of spelling this word varies greatly: Stainegate, Staynegate Steyngate, etc. See pp. 100, 173, 188.

CHAPTER XXI.

The Case betWeen York and Kingston-upon-Hull.

♣ ♣

THE relations between this city and the town of Kingston-upon-Hull in trade and commerce have occasioned this chapter.

This city and the town of Kingston-upon-Hull are two sister towns in this respect, and yet differences (as sometime between sisters) have heretofore fallen between them: but I find they were all settled by an Agreement made the 28th June, A.D. 1578, in the twentieth year of the late Queen Elizabeth, by certain articles agreed upon between Hugh Graves, then Lord Mayor of the City of York, and the Citizens of the said City of the one party, and John Thornton, Mayor of Kingston-upon-Hull, and the Burgesses of the same, of the other party, by the mediation and before the right honourable Henry, Earl of Huntingdon, etc., Lord President for the then Queen's Majesty's Council established in the North parts, for quietness and a final end and order then after to be had between them. I forbear the mention of the particular articles, which are long, and they are not so fit for this discourse. They are concluded with this agreement, THAT if any doubt of difference do arise upon any of the articles agreed upon, that the Lord President then being, during his time shall expound and order the same; and after that, the said Lord Mayor of York, for the time being, and the Mayor of Hull, with the advice of their Recorders, shall compound all doubts and differences arising between them, the said parties; and if they cannot agree, the said Lord Mayor of the City of York and the

Mayor of Kingston-upon-Hull, to make choice of some one person, or more, as they shall think fit to order and determine the same.

I wish this peace and unity may long continue between them; for they are sisters, as I have said before, and York the elder sister.

The town of Hull is situate with more conveniency for foreign trade.

I hope it may not weary the reader, nor offend the town of Hull, if in a few words I tell you the story of Hull, even from the beginning. It is no disparagement to greatness to have been little, which is the case of Hull. But somewhat miserable for a place to be little that hath been great, which is the case of the City of York. Hull, if we may believe John Leland in his *Itinerary*, was but a mean fisher town in the days of King Edward 3rd, and a member of the village of Hasell.[1] The first growth of it was trading for fish into the islands, from whence this town had the trade of stock fish. In the time of King Richard 2nd, it waxed very rich, and Michael de la Pole,[2] merchant of Hull, became in so great favour with the former King Edward 3rd and the present King, that he was first (as Sir Roger Owen in this particular reports) made Chief Baron of the Exchequer, and afterwards Lord Treasurer of England. This great man being then in high esteem and honour, with his promises, procured many grants and privileges from the King to this town, (for what shall not be done to the town which the King's favourite did favour) and the town hath since that time continued in good repute, and is very considerable for trade at this day. Leland writes of Heddon,[3] an ancient port not far from Hull, that as Hull increased, so Heddon decreased. I wish the like may not be applied to York.

I mention not these things out of any disaffection to Hull; I really affect it, and desire it may still grow and flourish.

[1] Leland, *Itin.*, vol. i, fol. 53. Hull, to-day, has a population of about 200,000, but that of Hessle does not reach 3,000.

[2] In 1332, Edward III had created William de la Pole, the father of this Michael, the first Mayor of Hull. Before this, the chief officer of the town had been *Custos*. The story of the De la Poles is one of the most eventful in the annals of northern families. John de la Pole, who died in 1491, married Elizabeth, the sister of Edward IV and Richard III. The last male heir of this family was killed at the battle of Pavia in 1525.

[3] Leland, *Itin.*, vol. i, fol. 69. Hedon is a very ancient township. A charter was granted to it by King Athelstan. The liberties of the burgesses were confirmed by King John (Mag. Rot., 3 John). The population to-day is not quite 1,000 persons.

CHAPTER XXII.

The Earl and Dukes of York.

♣ ♣

THE first and only Earl of York was Otho, son of Henry Leo, Duke of Bavaria and Saxony, by Maud, the daughter of Henry II, King of England, and sister to King Richard I. He received this honour in the first year of King Richard's reign, anno Domini 1190.[1] But many of the Yorkshiremen, as I find by some historians, resisted this new Earl, saying that they would yield no homage to any but the King, until such time as they might speak with the King face to face, and afterwards the King retained York, and gave to Otho the Earldom of Poictou in exchange for the Earldom of York. This Otho was afterwards proclaimed Emperor, and styled by the name of Otho the Fourth.

(1) King Richard II created Edmund of Langley, fifth son of Edward III, Duke of York.

(2) Edward, his eldest son, was after this Duke of York, and lost his life in the battle of Agincourt,[2] in France.

(3) His second son,[3] Richard, did marry Anne, the sister of Edmund Mortimer, whose grandmother was the only daughter and heir of Lionel, Duke of Clarence. He lost his life for practising with Edmund Mortimer for obtaining the Royal dignity in the time of Henry V. Sixteen years after, by the unadvised favour of Henry VI, the son of this Richard was restored, and declared Duke of York. This made way to the ruin of the King, and ushered in the wars

[1] Camden, fol. 724.—T. W.

[2] He left no issue.

[3] *I.e.*, the second son of Edmund of Langley.

between the Houses of York and Lancaster. Now began the distinction of the White Rose and the Red—two Roses beset with many pricks and thorns—each of them in time so dyed in blood that they both became red. But at last, by the fortunate marriage of King Henry VII and his wife, the eldest daughter of King Edward IV, these Roses, in the person of Henry VIII, were converted into one Damask Rose.

The second sons of the Kings of England had afterwards[1] the title of the Duke of York, which was done by the cincture of a sword, imposition of a cap, and a coronet of gold upon his head, and by delivery unto him of a verge of gold.

(4) Before I end this chapter I shall tell you what good use King Edward IV[2] made of his being the Duke of York.

In the 10th year of his reign, Richard Neville, the great Earl of Warwick (to whom the epitaph writ upon the tomb of Martell of France might have been justly applied—"Non vult regnare sed regibus imperat ipse"[3]), enforced him to depart out of his kingdom. In his return to England he landed at Ravenspur in Holderness in Yorkshire, and sent messengers to the City of York that he came not to demand the realm of England, but his old inheritance the Duchy of York. He followed the messengers near to the gate. The Lord Mayor and Aldermen, and the principal citizens were upon the walls, where the King and they had a parley to this effect. The King began thus:—

"My Lord Mayor, and your Worshipful Aldermen, for each of you is so (and as a good nomenclator he had many of their names), I come not to demand the kingdom which I did for some time enjoy, but was driven out of it by the fury and rashness of the Earl of Warwick and others. I am much satisfied that such a pinnacle is not the safest station. I am resolved from henceforth to stand upon lower ground. I found the crown clogged with so many cares that I deem it not worth the taking up again. I shall not disturb King Henry in that. I only desire my own town and proper inheritance derived to me from my ancestors, the Dukes of York. And I have great cause to hope that you, the Lord Mayor, Aldermen, and Citizens of York will aid me in this. This noble city is in all our names. You, the Lord Mayor, Aldermen, Sheriffs, and Citizens of YORK, and I by my right Duke of YORK. This is all the favour I desire, that you and I may have the same place inserted in our names, which is YORK."

[1] *I.e.*, after the union of the two houses.

[2] Edward Plantagenet, the eldest son of the last-named Richard.

[3] "He is not willing to reign, but he does reign over kings."

The Lord Mayor answered: "Most Noble Duke (for other style you seem not to require, nor, if you should, can we acknowledge) we are very sensible what bloody conflicts have been for the Crown, which hath been the ball of contention between the Red Rose and the White. I name the Red Rose first, because that is in the present possession. And if you, Sir Duke, should set on foot the claims of the White Rose, we know not what miseries might follow. Sure we are, we should, if we admit you, be blamed by King Henry, and by the Make-King, the Earl of Warwick, whom you mention. Therefore in few words this is our resolution, that unless you will swear not to make any pretentions to the Crown, nor disturb the King in the Government, and not to prejudice the Rights and Privileges of this City, we will not admit you to enter into the place."

The King, ready to catch at anything that might draw him within the walls of York, laid hold of this overture, and proffered to give oath for performance of these two Articles propounded. And a priest being ready for that purpose, the King took the Sacrament and his oath to observe them both.

The above is taken from *The History of the two Houses of York and Lancaster*,[1] written by Edward Hall,[2] fols. 215 and 216.[3]

And thus the King, by the name of the Duke of York, and his claim to that Duchy, was admitted into the City of York, which was the first step to his ascension again to the Crown which he then disclaimed. But he by his gentle address surprised the City upon his entry, and assumed it, and the Crown also shortly after, to himself, which indeed was his right.[4]

[1] Edward Halle, *The union of the two noble and illustre famelies of Lancastre & York, being long in continual discension for the croun of this noble realme, with all the actes done in bothe the tymes of the Princes, both of the one linage and of the other, beginnying at the tyme of King Henry the Fowerth, the first aucthor of this devision, and so successively proceadying to the reign of the high and prudent Prince King Henry the Eight the undubitate flower and very heire of bothe the sayd linages* (pub. 1542, [illegible]).

[2] This "royal panegyrist", though appreciated by Shakespeare, Hollinshead, Stow and others, has been greatly overlooked by readers and students generally. His special merit is the information he gives concerning English life in the early part of the reign of Henry VIII. Hall was born about 1499, and died in 1547.

[3] The edition quoted is that of 1548. The first edition of 1542 is exceedingly rare, and perhaps does not exist in a complete state.—Ames, *Typographical Antiquities*, ed. 1816, vol. iii, p. 461.

[4] See Appendix, No. 14.

CHAPTER XXIII.

Persons of Fame for Greatness, Learning, or otherwise, born in the City of York.

♣ ♣

THOUGH the City of York be the general theme of this treatise, yet it may not be incongruous to mention persons of fame born there, such persons being the honour and ornament of the place.

"Non tam locus personam quam persona laudabilis locum illustrat"[1]—Giraldus Cambrensis.[2]

(1) I shall begin this chapter by speaking of Constantine the Great, the first Christian Emperor, who it is very probable was born in this place.[3] The place of the birth of so great and good an Emperor cannot pass without a question. Seven cities did strive

[1] "The place does not make the person illustrious so much as the praiseworthy person does the place."

[2] This writer is not infrequently confounded with Girardus Cornubiensis. Cambrensis was born in Pembrokeshire about 1146, and died about 1220. Girardus Cornubiensis flourished more than a century later. The works of Cambrensis are published in the *Memorials and Chronicles of Great Britain*, and fill eight volumes, being edited by J. S. Brewer, J. F. Dimock and G. F. Warner. In vol. iv, pp. 357-431, there is a biography of Geoffrey, Archbishop of York. His principal works refer to Ireland and Wales. He was a devoted antiquary, but lacked the discrimination essential to a good historian. His style is largely anecdotal.

[3] See p. 31, note 6. Schöpflin, in *Commentationes Historicae*, article *Constantinus Magnus non fuit Britannus* (pub. 1741) finally disposed of the cherished legend that Constantine was born in this country.

which of them was the birth spot of the poet Homer. And there is a great dispute amongst historians about the place of the birth of the subtle[1] and sceptical Doctor Johannes Duns Scotus. This Emperor was greater and better than both, and it seems not strange that he falls under a question in that behalf.

Some deny that he was born in Britain, but I shall leave the decision of that to such vindication as Dr. Fuller hath made thereof in his History of the British Church.[2] To which I shall merely add what Mr. Selden says in his book, *Titles of Honour*.[3] His words are these: "It is most likely that he was born in Britain. 'Liberavit ille' (saith the Panegyricus to him, speaking of his father Constantius) 'Britannos servitute, tu etiam nobiles illic oriundo fecisti',[4] which testimony (saith he) I prefer before Nicephorus Calistus,[5] affirming his birth at Drepanum[6] in Bythinia, or Julius Firmicus[7] that saith at Tarsus,[8] or Cedren,[9] that writes in Dacia."[10]

It was thus spoken in antique rhyme to King Arthur: Robert of Gloucester, *Historia Metrica*, MS. :—[11]

> "Now it worth I ended, that Sybill the sage sed biuore,
> That there ssold of Brittayne three men be ybore,
> That ssold win the Aumpyre of Rome, of twey ydo it is,
> As of Bely, and Constantine, and thou art the third ywis."

And what I had from the learned and reverend Doctor Thomas

[1] Scotus, esteemed as the glory of the Franciscans, as Aquinas was of the Dominicans, was denominated the *Subtle Doctor* because of his metaphysical acumen. His chief works are commentaries on the Bible, Aristotle, and Lombard. His works were published in twelve folio volumes in 1639. England, Scotland, and Ireland have respectively claimed the honour of his birth. He was born about 1265, and died about 1308. He is to be distinguished from John Scotus, see p. 290.

[2] Fuller's *History of the British Church*, Cent. 4, fol. 21.—T. W.

[3] Selden's *Titles of Honour*, pt. 1. p. 37 (the first impression).—T. W.

[4] "He delivered the Britons from slavery: thou hast made them more noble by being born among them."

[5] See *ante*, p. 32, note 5.

[6] Xanthopoullos (Nicephorus Callistus), *Historiae Ecclesiasticae*, Tom. VIII, c. 2. *Vide* Migne, *Patrologiae cursus completus*, series Graeca, vols. cxlv-cxlvii.

[7] A Christian writer of the 4th century.

[8] His *De errore profanarum religionum* is addressed to the Emperor. This work appears in La Bigne, *Maxima Bibliotheca*; and Migne, *Patrologiae cursus completus*, vol. xii.

[9] A Greek monk and chronicler who lived in the 11th century.

[10] Cedrenus (Georgius) *Annales, sive Historiae ab exordio mundi ad I. Comnenum usque compendium. Nunc primum, etc.* (pub. 1566), fol. 221.

[11] Robert, a monk of Gloucester, wrote a Chronicle in English verse, covering the period from Brute to 1271. The work, which possesses no unique historical

Morton, late Bishop of Durham [goes to support this opinion. He informed me] that he intended to have made a statue of this Constantine in the Minster of York, being occasioned thereunto by a Bishop, who said that Constantine was not born in Britain, but in Bithynia, to whom he shewed afterwards out of Cardinal Baronius,[1] writing of Constantine, many testimonies to the contrary of that assertion.

"O fortuna, et nunc omnibus terris beatior Britannia, quae Constantinum Caesarem prima vidisti, etc. Dii boni quid hoc est, quod semper ex aliquo supremo fine mundi nova Deum numina universo orbi colenda descendunt?"[2]

This great Emperor was the son of Flavia Julia Hellena, the daughter of Coell, who built Colchester.[3] This Hellena is honoured in the Church to this day in the Feast of her Invention of the Cross. He was born in York[4] in the 5th year of Aurelian the Emperor, as Eusebius reports, as to the time, when Aurelianus and Julius Capitolinus were Consuls. But other places contend for him. William Fitz Stephen,[5] in his description of London,[6] saith he was born there.[7] Necham[8] and others think he was born at Colchester,[9] who saith in his poem upon Hellena, the mother of Constantine,

value, was published by Hearne in two volumes, in 1724. It possesses great interest as presenting a specimen of the English language at the close of the 13th century. Sir Thomas, as he intimates, quotes from a manuscript. There is a MS. in the B. M., Sloane, No. 2027. This copy differs considerably from Hearne's printed edition. In Hearne, see vol. i, p. 198.

[1] Baronius, Cæsar, Cardinal, and Librarian of the Vatican. Born, Naples 1538; successor of St. Philip de Neri; Cardinal 1598; Died, Rome 1607. His *magnum opus* was *Annales Ecclesiastici.*

[2] "O fortunate Britain, more happy than all other lands, who wast the first to see Constantine Cæsar, etc. Good gods, why is this, that always from some remote corner of the earth new deities descend, to be worshipped by the whole world?"

[3] Selden, *Titles of Honour*, fol. 37 (the first impression).—T. W.

[4] Constantine was born at York and educated by his mother, as Sir Robert Wingfield, Knight, did publicly affirm in the Council of Constance against the orator of the King of France. Jo. Caius, *De Antiquitate Cantebr. Academiae* lib. 1, fol. 86.—T. W. See p. 17, *re* Caius.

[5] William Fitzstephen was an official of the court of Becket, Archbishop of Canterbury, and was a witness of his murder. Though his *Vita Sancti Thomae* is his most important work, his description of London in the 12th century will always be prized. It is printed in Stow's *Survey*, and Leland's *Itinerary* (Hearne's ed.).

[6] Gulielmus Stephanides, *Descriptio nobilissime civitatis Londoniae.*

[7] Stow, *Survey* (ed. 1598), p. 482:—"In temporibus Christianis nobilem illum edidit Imperatorem Constantinum."

[8] See *ante*, p. 16.

[9] In Essex. Camden, *Britannia*, fol. 451.—T. W.

"Effulsit sydusque dedit Colcestria vitae,
Sydus erat Constantinus quem Roma colebat.[1]

I cannot leave this question with a *Ceux que droit*, as Mr. Fuller hath done, but shall conclude (with submission to other persons more versed in story) for York, most of our late English historians being of this opinion. It is agreed by all sides that upon the death of Constantius Chlorus, the soldiers at York did cast the purple robe upon Constantine his son while he wept, and he put spurs to his horse to avoid the importunity of the army, attempting and requiring so instantly to make him Emperor, but the happiness of the State overcame his modesty.

Many panegyrics have been made upon this great man. And it may seem a great boldness for a citizen of York to offer anything in a subject upon which so many great wits have of old been working. However, it may please the reader to take that which followeth as a short abstract of former long panegyrics.

Constantine was, for his skill and experience in the command and conduct of armies, and for the gallantry of his adventures and expeditions, excellent; for his providence and knowledge in civil affairs, incomparable; for his religion [Eusebius, *De vita Constantini*, lib. II, cap. 13, et idem lib. IV, cap. 35, also Dr. Crakenthorp,[2] in his preface to his book, called *The Defence of Constantine*[3]] and zeal towards God, his diligent hearing of God's word, and fervency in prayer [Eusebius, lib. IV, cap. 22, "Quasi sacerdos quidem sacra faciebat."[4]] his love to the Church, and the peace thereof, his wise direction and govern-

[1] This is incorrect. The words, indeed, are hardly translatable. The correct lines are—

"Effulsit sidus vitae, Colcestria lumen
Septem climatibus lux radiosa dedit.
Sidus erat Constantinus, decus imperiale,
Serviit huic flexo poplite Roma potens."

Gibson's translation (Camden, *Britannia*, ed. Gibson, 1772, vol. i, p. 357) is as follows:—

"A star of life in Colchester appeared,
Whose glorious beams of light seven climates shared;
Illustrious Constantine, the world's great lord,
Whom prostrate Rome, with awful fear, adored."

[2] Vicar of Paglesham, an ecclesiastical antiquary, and a vigorous defender of Protestant principles; b. 1567, d. 1624.

[3] Richard Crakanthorp, *The Defence of Constantine: with a treatise of the Pope's temporall monarchie, wherein, besides divers passages touching other counsels, the second Roman Synod, under Silvester, is declared to be a mere fiction* (pub. 1621).

[4] "Indeed, like a priest he performed sacred rites."

ment in person in National Assemblies, and his labours to advance Christianity, far surpassing all other Princes as the beams of the sun the light of the lesser stars ["Una Constantini oblivio est humani generis occasus."[1] *Panegyric*, Nazar. Constant. Aug.]. His very birth might seem to have deserved an empire. "Idem Deo duce, tenebras quae densa superstitionum nube terrarum orbem obsidebant dissipavit, lucem intulit. Templa nobis et Christo aperuit, vanis cultoribus et diis clausit."[2] He was born in full perfection, having those virtues coeval with him which grow up by degrees in other men.

In what renown he was after his death we need not require a better assurance than we have in an old coin[3] which certifies us of his consecration, for on the reverse of that piece there is a muffled ghost hurried up in a chariot, and stretching out one arm, is met with and received into heaven by another from thence.

(2) The next person is Flaccus Albinus,[4] who is also called Alcuinus Diaconus (*Vide* Baleus *De viris illustribus*, fol. 55, 56, first impression),[5] who was born in this place, and may be said, *Eboraci gloria prima sui*.[6] He lived in the year 780. But some of the Scottish writers have committed felony and would take him from us. One Scottish historian, whose name I have forgotten, will have him born at a place in Scotland, which he there names. It is the same author who will needs have Pope Innocent a Scottish man, because he calls himself Albanus, and Scotland hath the name of Albania. Yet most writers agree that Pope Innocent was born at Long Alba, near Rome. G. Buchanan, lover of the English nation, but very passionate for the honour of his own, will have this Alcuinus, or

[1] "When Constantine is once forgotten the human race is ruined."

[2] "He too, under God's guidance, scattered the darkness which covered the world with a dense cloud of superstitions, and brought in light. He opened the temples to us and to Christ, and closed them on false worshippers and gods."

[3] The coins which were dedicated to Constantine after his death were the last that were struck in honour of a deceased emperor (Eckhel).

[4] See pp. 10, 42, 43, 203. To give a list of the works on Alcuin, his labours, and the times in which he lived, is beyond the limits of these notes. The life of this famous man was written early in the 9th century by an unknown author, instructed by Sigulf, a disciple and companion of Alcuin. It is printed by Mabillon, Surius, Froben, Migne, etc. For a compact and suggestive modern sketch, see the *Dict. Christian Biog.*

[5] The title of Bale's book is so abbreviated here as to render it, upon first sight, indistinguishable. The work referred to is: *Illustrium Maioris Britanniae Scriptorum, hoc est, Angliae, Cambriae, ac Scotiae summariū in quasdam centurias divisum, cum diversitate doctrinarū atq; annorū recta supputatione per omnes aetates a Japheto sanctissimi Noah filio, ad annum domini* MDXLVIII (pub. 1548).

[6] "The foremost glory of his own York." The words are Camden's.

Albinus, a Scotchman.[1] His words are: "Quo e numero (de monachis loquitur) Johannes cognomento Scotus sive Albinus quod idem valet, Scoti enim se Albiones sua lingua vocant, Caroli Praeceptor, etc."[2] (*vide* Buchanan, lib. V, cap. 5, p. 157). By the same reason which this learned writer insists upon to prove this Alcuinus a Scottish man, because he is called Albinus, which he makes synonymous to Scotus, I might prove any man, whose name is Scotch or Irish, to be a Scottish man or an Irish man.

Harpsfield, in his *Ecclesiastical History* (p. 177), says that he was Northumbrian: "Eboraci nutritus et educatus."[3] You shall hear what Alcuinus himself says in an epistle to the Church of England, in these words:[4] "Date mihi eruditionis libellos quales in patria mea Anglia per industriam Magistri mei Egberti habui, et remittam vobis aliquos ex pueris nostris ut excipiant inde necessari[a] et revehant in Franciam flores Britanniae, ut non sit tantum in Eboraco hortus conclusus, sed etiam in Turonia emissiones Paradisi."[5] And in his epistle to Eboracum, being then with the Emperor Charles in France,[6] "Ego paratus eram cum muneribus Caroli Regis ad vos venire et ad patriam reverti, sed," etc.[7]

[1] Sir Thomas is quite mistaken in supposing that Buchanan speaks here of Alcuin. He refers to John Scotus, sometimes called Erigena, who died in 875, about 70 years after Alcuin. Neither does Buchanan refer to Charles the Great (d. 814), as Widdrington evidently supposes, but to the grandson of that monarch, Charles the Bald (d. 877). Drake falls into this same blunder (vide *Ebor.*, p. 371). There is an account of John Scotus in William of Malmesbury, *Chron. of the Kings of England*, Bk. II, c. 4. Roger de Hoveden gives one or two witty stories concerning him under date A.D. 883. There are good epitomes of all we know of this famous monk in Tanner, *Bibliotheca Britannico-Hibernica*, pp. 263-4, and Wright, *Biographia Britannica Literaria*, p. 419, but for a complete list of authorities see *Répertoire des sources historiques du moyen-age*, par Ulysse Chevalier. John Scotus must be distinguished from John Duns Scotus; see *ante*, p. 286.

Notwithstanding the confusion pointed out above, it should be noticed that all that Buchanan says of Scotus because of the appellation Albinus might have been urged concerning Alcuin, for he, too, bore that word as part of his name.

[2] "Of which number (he is speaking of monks) John, surnamed Scotus, or Albinus (which means the same, for the Scots call themselves Albions in their own tongue) teacher of Charles, etc."

[3] "Bred and educated at York."

[4] Goodwin, *Catalogue of Bishops*, fol. 441.—T. W.

[5] "Give me lesson-books such as I had in my own country, England, through the industry of my master Egbert, and I will send you some of our boys, to take what is necessary from them, and to bring back the flowers of Britain into France, so that there may not be only a garden shut up in York, but also some emissions of Paradise in Tours." See *ante*, p. 42.

[6] William of Malmesbury, fol. 12.—T. W.

[7] "I had been prepared to come to you with gifts from King Charles, and to return to my native land, but," etc.

This man was first the scholar of Bede,[1] and afterwards of Egbert, Archbishop of York, and some say keeper of his great library at York, and schoolmaster of Charles the Great, founder of the University of Paris about the year 782. He did sometime teach the liberal sciences at Cambridge and afterwards at York under Egbert.

Some of the English historians look upon this man as the only glory of the city.

Many worthy things are written of him, which I shall comprehend in this:—He was a person singularly skilled in the languages of Latin, Greek, and Hebrew [Caius, *Hist. Cantab. Acad.*, lib. I, p. 37[2]], and in all liberal sciences, being the chief of the philosophers of his time, and as Baleus writes of him,[3] he was most learned in Divinity, and second to none of his time in the knowledge of human learning; a good poet and a good orator, which are endowments rarely concurring in one person. He gained much honour by his opposition to the Canons of the Nicene Council,[4] wherein the superstitious adoration of images was enjoined. He wrote many pious and learned works, above thirty in number, one of which is *Ad Anglorum Ecclesiam.* The Frenchmen had him in that esteem that they judged him equal to the most learned Roman or acute Grecian.

(3) John or Robert Waldby,[5] born at York, a Friar Austin eremite, was a man of a ready wit and eloquent tongue. He did so well please the Rabbins of York, that upon the death of Alexander Neville, they elected him for their Archbishop.[6] But the Pope was of another opinion, and placed Thomas Arundell there. He was present at the great Council held at Stamford in the year 1391; was afterwards Archbishop of York.[7]

(4) John Bate[8] was born at York,[9] and educated in the House of the Carmelites there. He afterwards went to Oxford, where he profited so much in the sciences that he was esteemed as one of the

[1] Baleus, *De viris illust.*, fols. 55, 56.—T. W. But Alcuin was only born in the year of Bede's death.

[2] John Caius, *Historiae Cantebrigiensis Academiae ab urbe condita.*

[3] Baleus, *De viris illustribus*, fols. 55, 56.—T. W.

[4] The Deutero-Nicene Council of 786.

[5] The facts given refer chiefly to *Robert.* There was also a *John* Walby living at this time. Sir Thomas is not the only writer who has confused them.

[6] His preferments were: Bishop of Sodor and Man; Bishop of Aire (Gascony); Archbishop of Dublin; Bishop of Chichester; Archbishop of York, 1397.

[7] After the translation of Thomas Arundell to Canterbury in 1396, Waldby held the Archbishopric of York from Jan. 13th, 1397, to May 29th, 1398.

[8] Baleus, *De viris illustribus*, fol. 191.—T. W.

[9] Leland says he was born *inter Transabrinos* (west of the Severn). Others hold he was born in Northumberland.

prodigies of learning in that time. He wrote many books.[1] He was afterwards Governor of the House of Carmelites at York, and died there anno Christi 1429, in the time of King Henry VI.

(5) John Erghom[2] born at York, was a Carmelite also. He was an eminent Doctor in Divinity, and delighted in typical interpretations. He lived in the year 1490, in the time of King Henry VII. He also wrote divers books, and died at York.

(6) George Tankerfield was born at York. He was but a cook in London, and was roasted and burnt to death for Christ, by Bishop Bonner, Antichrist's great cook. He was of such note for answering Bonner readily and punctually that he called Tankerfield *Master Speaker*, and Smith, his blessed companion, *The Comptroller*, because he rebuked Bonner for swearing.

(7) Sir Martin Bowes, Knight, I mention as a person famous for wealth and charity. He had a full hand, and a liberal charitable heart. He became Alderman and Mayor of London (Stowe, *Survey of London*, f. 388).[3] He was the son of Thomas Bowes of the city of York (Munday's *Chronicle*, fol. 601),[4] and was born there, and died the 4th of August, 1566. He gave bountifully to this city,[5] and to other places.[6]

(8) Thomas Morton, the son of Mr. Richard Morton, was born in this city, near the Pavement. He was bred in the famous college of St. John's in the University of Cambridge, of which college he was Fellow for divers years. He was afterwards Parson of Long Marston, in the County of the City of York, Dean of Gloucester, Dean of Winchester, then Bishop of Chester, then of Lichfield and Coventry, and lastly of Durham. He was a person of great learning and knowledge, and a great antagonist against the tenets of the Church of Rome. He fully purposed in the year 1639, as it is well known to myself, and to divers others yet living, to have enlarged the Market-place in the Pavement in the City of York, and to have erected a cover for market people for the exposing of their commodities to sale,

[1] The works attributed to him are named in Leland, Bale, Pits, Tanner, and others.

[2] Baleus, *De viris illust.*, fol. 212.—T. W.

[3] A portrait of Bowes is preserved in the Committee Room of Goldsmiths' Hall, London.

[4] Anthony Munday, b. 1553, d. 1633, poet and playwright, "tried his hand at every variety of literature in vogue at his day. Except Shakespeare and Marlow, few Elizabethan writers contributed more largely to popular information and amusement." In the place referred to above, Munday gives a list of the Lord Mayors of London.

[5] See page 296.

[6] He founded alms-houses at Woolwich, etc.

and to have bestowed therein £400. But he was hindered of this noble work, for a person who had interest in that house which he would have bought and pulled down for that purpose, would not sell it but upon very hard terms. He did also purpose, when he was "somebody" (these are his own words in a letter written by him to me) to have made a statue of Constantine the Great in the Minster of York. The occasion of it is mentioned before in this chapter. He deserves a place in this catalogue for his worth, piety and learning, and because he fully had it in his heart to have built such a synagogue (as I may call it) for the city.

He died full of honour and days, being ninety-five years of age, and was a Bishop forty-four years.[1]

The people which would have recommended Dorcas being dead, shewed those fine and curious pieces, which she made when she was living.[2] I had purposed to have mentioned his learned works, which will preserve the memory of the learned and pious author fresh in the memory of men; but this and other matters relating to this pious life and happy death of this reverend and good Bishop, I find of late very elegantly set out by Doctor Barwick, who was some time his Chaplain, and now Dean of Durham,[3] in his book entituled, *A summarie account of the holy life & happy death of the Right Reverend Father in God, Thomas, late Lord Bishop of Durham.*[4]

(9) Robert Flour, son of one Tooke Flour,[5] who had been twice mayor of this city. He was the first beginner of the Priory, near Knaresborough,[6] which stands beneath March-bridge. He had formerly been a monk in Newminster Abbey, near Morpeth in Northumberland. Forsaking the lands and goods of his father, to whom he was heir as eldest son, and affecting a solitary life as a hermit, he resorted to the rocks of the river of Nid, and thither upon the opinion of his sanctity resorted others. Then he instituted a

[1] Sir Thomas wrote this sketch before the death of the Bishop, and says in the MS., "I am the more sparing in giving these praises, which are justly due to him, because I understand that he is yet living of the age of ninety years and upwards." This first draft is corrected, and the paragraph closes as given above.

[2] Sir Thomas gives ten publications from the pen of Bishop Morton, but the final sentence, as given above, is substituted for the catalogue.

[3] He became Dean of Durham in 1660, and soon afterwards was made Dean of St. Paul's, London. He died in 1664.

[4] John Barwick, Ἱερονικης, *or the fight, victory, and triumph of S. Paul, accommodated to Thomas, L. Bishop of Duresme: In a sermon preached at his funeral on Michaelmas Day* 1659*: Together with the life of the said Bishop.* London, 1660. The *Life* begins on p. 54.

[5] See p. 80. The surname there appears as *Flower.*

[6] *Ex Itinerario,* Jo. Lelandi.—T. W.

Company in the sect of Friars of the order De Redemptione Captivorum, *alias* Sanctae Trinitatis.

(10) Christopher Cartwright, my coetonean in Cambridge, late[1] parson of St. Martin's Church, in Micklegate in this city. I shall tell you what Mr. Edw. Leigh,[2] in his *Treatise of Religion and Learning and of Religious and Learned Men*,[3] saith of him. His words are these:—"Christopher Cartwright, a learned, pious Divine, of Peter House in Cambridge, not onely well skilled in the three learned languages, Hebrew, Greek, and Latin, but allso well versed in the Hebrew Rabbins, for which he is honourably mentioned by Voetius,[4] in his last edition of his *Bibliotheca*.[5] His annotations on Genesis and Exodus[6] are well liked by the learned generally. Mr. Pocok[7] styles him, 'virum eruditissimum',[8] in *Not. Miscellan.*, cap. 4."[9]

This learned and pious man is lately deceased, therefore give me leave here to insert what I find in a preface to a posthumous work of his, being an excellent commentary or exposition upon the whole 15th Psalm. The substance of it is this: that his life was pious and exemplary, and that if anyone shall read that treatise, who knew Mr. Cartwright, he shall find that he prayed as he lived, and he lived as he prayed, and that he himself was the right citizen of heaven whom he described out of that Psalm. He writ also some other learned treatises.[10]

[1] This was written during the life of C. Cartwright, "late" having been substituted for "now".

[2] A Biblical and miscellaneous writer; b. 1602, d. 1671. The works which bear his name number nearly a score; but his life was by no means wholly spent in literary pursuits. He saw something of the stormy political life of his day, being M.P. for Stafford and a Colonel in the Parliamentary Army.

[3] This work was published in 1656. It was re-issued in 1663 under the title *Felix Consortium, or a fit conjuncture of learning and religion.*

[4] A Dutch theologian, and Professor of Oriental languages; b. 1593, d. 1677.

[5] Gisbertus Voet, *Exercitia et Bibliotheca studiosi Theologiae*, ed. 1651.

[6] *Electa Thargumico-Rabbinica; sive Annotationes in Genesin ex triplici Thargum item ex R. Salomone et Aben-Ezra, aliisque Hebraeis excerptae.* Londini, 1648.

Electa Thargumico Rabbinica; sive Annotationes in Exodum, ex triplici Thargum seu Chaldaica Paraphrasi, nempe Onkeli, Jonathanis, et Hierosolymitana, item ex Commentariis Rabbinorum . . . excerptae, etc. Londini, 1658.

[7] Edward Pocock, the Orientalist, in *Porta Mosis.*

[8] *Sic* (accus.), for *vir eruditissimus.*

[9] Leigh, *Religion and Learning*, p. 155. Leigh's regard for Cartwright is seen in the fact that he published two of his sermons, *The Magistrates Authority in matters of Religion, and The Soul's Immortality vindicated, in two sermons (on Rom. xiii, 4, and Eccles. xii, 7). With a preface by E. Leigh.* London, 1647.

[10] To this list Sir Thomas might have added one or two other good names, *e.g.*, Henry Swinburne, mentioned *ante* p. 68.

CHAPTER XXIV.

The Names of the Benefactors of this City.



THIS chapter is not large, nor does it mention large gifts, but the smallest gifts deserve a thankful acknowledgement. The widow's mite had a good acceptance, and hath the honour of a memorial.

It may seem strange that this ancient city cannot recount more ancient and greater benefactors than you will hear of in this chapter. I have heard it made an objection that Constantine the Emperor was not born at York, because he hath not honoured it with any gift or badge of honour. But surely that may rather be a fault of Constantine than of York his birth-place. And he that looks upon the following catalogue may easily be induced to believe that divers others born in this place, as well as Constantine, though they have not been so great, have been as unmindful of this poor city. This city hath wanted a remembrancer to insinuate into dying men, when they were making their wills, and such a person as Tiresias advised Ulysses himself to be in order to be rich : " Testamenta senum captes astutus ubique."[1]

[1] These words are adapted from Horace (*Sat.*, lib. II, s. 5, l. 23). This dialogue between Ulysses and Tiresias is a humorous *exposé* of the methods of those who, greedy for fortune, seek to inveigle old men to make them their heirs. The lines are :—

" Captes astutus ubique
Testamenta senum : "

(Lie in wait astutely everywhere for the last wills of old men.)

I have here mentioned the names of such benefactors, as I have found, without omission of any, for the smallness of the gift. And I trust occasion will be given by the future bounty of others for some other pen to enlarge this chapter.

Nicholas Girlington, gentleman, to be lent gratis to poor citizens £40 0 0

William Drew, butcher, gives to be lent to butchers - 80 0 0

Sir Martin Bowes, Alderman of London, born at York, gives to this city a bason and ewer gilt: a large sword, and rich scabbard; and in money to pay to the poor of St. Cuthbert's, and other charitable uses - - - - - £60 0 0

Mr. Thomas Smith, Clerk of the Statutes, gives to be lent 5 0 0

Lady Catherine Constable gives to be lent - - 40 0 0

Robert Askwith, Alderman, father of Sir Robert, gives to be lent £20 0 0

Mr. James Cotterill gives to be lent, and the interest to go towards a preacher of Saint Nicholas Church, and gives also six silver spoons, and a gilt salt and cover, 16th Aug. 1595 - £100 0 0

Mr. Richard North, Examiner before the Council, gives to be lent at 12*d.* per pound, and the interest to go to the poor - £20 0 0

Sir Thomas White, of London, settles lands for payment of £100 per annum to several corporations by turns, and this city receives it once every twenty-one years, and has already received four hundred pounds - - - £100 per annum.

Mr. Christopher Turner gives to be lent, and also one house which pays £7 rent to six poor widows for ever - - £20 0 0
£7 0 0 for ever.

Robert Brook, Alderman, gives to be lent - - £10 0 0

Lady Herbert gives to be lent - - - 20 0 0

Lady Askwith, wife of old Alderman Askwith, gives to be lent £20 0 0

Francis Ager, tanner, gives to be lent - - 30 0 0

Mistress Jane Yong gives to be lent - - 40 0 0

John Burley, gentleman, gives £100 to be lent at six per cent., and the interest to go to the prisoners in the low gaol of the castle £100 0 0

Fabian Farley, Officer at Mace to the Lord Mayor, gives £30 to be lent at 12*d.* per pound, and the increase to go to the poor of Bootham Ward, and also a siver bowl of five ounces and a quarter £30 0 0

Richard Byns gives to be lent at 12*d.* per pound, and the interest to go to the poor of Micklegate Ward - - £20 0 0

Sir Robert Waters, Knt. and Alderman, gives to be lent, and the interest to go to a preacher at Crux Church - £120 0 0
Also £50 to be lent to poor citizens gratis - 50 0 0
He also gave a gold chain, weighing nineteen ounces and a half. He gave also three large goblets of silver. He gave a large house to the Company of Haberdashers, now called the Hatters' Hall, and two tenements adjoining. He erected an hospital for nine widows, and a reader, and to each widow a room and 40*s.* per annum - - £18 0 0 per an.
And to the reader a room and £3 per annum 3 0 0 per an.
He repaired the Common Hall at his own charge, which cost him £200 - - - - £200 0 0
Richard North gives by will, to be lent, and the interest to go to the use of the poor of All Saints in North Street - £20 0 0
Mr. William Weddell gives to be lent at interest, and the interest to be paid to the poor. 1st Feb. 1618 - - £200 0 0
George Buck gives £20, which is lent at 12*d.* per pound, and the interest is paid as by his will for a sermon at Castlegate Church x*s.*, and the same to the poor yearly. 23rd Dec. 1622 - £20 0 0
Thomas Harrison, Alderman, gives to be lent gratis - 30 0 0
William Robinson, Senior, Alderman, gives to be lent gratis 80 0 0
Lady Jane Mosley gives to be lent gratis - - 20 0 0
William Hart, Pastor of the English Church in Embden, gave £300 to be lent gratis - - - - £300 0 0
Christopher Topham, Merchant, gave £50 to be lent gratis till the poor be set on work, and then to be employed to that use. 22nd June 1630 - - - - £50 0 0
Mr. Richard Brewster, the Pursuivant, gave to be lent gratis 30 0 0
Mr. Richard Scott gave towards setting the poor on work 20 0 0
Alderman Agar gave towards setting the poor on work, and erected an Hospital for four widows - - - £100 0 0
Mr. Brian Dawson, and Mr. Francis Ewbank, late Sheriff, gave to be lent for the use of the poor, £50 each - - £100 0 0

Mr. Thomas Metcalf, citizen and goldsmith of London, gave a bason and ewer, part gilt.
Alderman Dyneley gave a nest of goblets, weight fifty-two ounces.
Alderman Maltby gave a large beer bowl.
John Jaques and Robert Peacock, vintners, gave a silver beer bowl.
Mr. Robert Masken gave a silver salt and cover.
William Tankard, Esq., gave a pot and cover, gilt, twelve ounces.
Mr. William Hawley, Town Clerk, gave a bowl of eight ounces and a half.

Christopher Consett, Alderman, gave a siver bowl of xi ounces and a half.

William Robinson, Alderman, gave a gilt bowl and cover, thirty ozs.

Mr. Elwick, Attorney, on Ouse Bridge, gave a bowl of eighteen ozs.

Alderman Moseley gave a gilt bowl and cover, twenty-five ounces.

Lady Frances Harrison gave a bowl of twenty ounces and three quarters.

Alderman Weddell gave a silver bowl of fourteen ounces and three quarters.

Alderman Topham gave a gilt bowl and cover of thirty ounces.

John Vaux, Alderman, gave a silver beer bowl.

James Hutchingson, Alderman, gave a bason and ewer.

Thomas Herbert, late Sheriff, gave two large silver bowls and £20 to bind four apprentices - - - £20 0 0

Leonard Besson, Alderman, gave two silver cans, and two goblets, part gilt, and £50 to bind poor children apprentices £50 0 0

Thomas Jackson gave a silver can, seventeen ounces.

Sir William Allenson, Knight, Alderman, and twice Lord Mayor of the city gave - - - - ———

Since the writing of the former names I hear that Mrs. Ann Middleton, widow, the late wife of Mr. Peter Middleton, a merchant of this city, hath by her will in writing given to the city these several sums hereafter mentioned, that is to say,

1. For the binding of poor freemens' children apprentices the sum of £100 0 0
2. Towards a stock for the setting of the poor on work - 10 0 0
3. To be bestowed in silver plate for the city - 100 0 0
4. For the erecting and building of an hospital in this city for twenty poor widows, whereby each to have yearly £4, and lands to be purchased for that purpose, the sum of - - £2000 0 0

The house for the hospital is already built, and the poor widows placed in it.[1]

[1] This sentence appears to have been added subsequently.

Appendices

(Being Longer Notes by the Editor).

♣ ♣

No. 1 ; *see p.* 31. *An Ancient Roman Law.*

THIS judgment is quoted at length in *A Commentary on Antonius his itinerary or journies of the Roman Empire as far as it concerneth Britain, wherein the first foundation of our cities, lawes, and government, according to the Roman policy, are set forth*, by William Burton, (pub. 1658), p. 72.

Burton says : " More than three years after, he and his son Antoninus sat also at York about common business, and gave their judgment in ordinary cases, as in that of Caecilia about recovery of right of possession. Their Rescript or Law, thereabout, is still preserved in the CODE, to the great glory and renown of this City, and dated as you see from thence, with the names of the Consuls of that year : neither can I forbear to publish it here, as the gallantest monument of Antiquity that it hath.

'*Cod. lib. 3 : tit. 32. De Rei vindicatione.*

Etiam per alienum servum, bona fide possessum, ex re ejus, qui eum possidet, vel ex operis servi acquiri dominium vel obligationem placuit. Quare si tu quoque bona fide possedisti eundum servum et ex nummis tuis mancipia eo tempore comparuit, potes secundum juris formam uti defensionibus tuis.

Mancipium autem alienum mala fide possidenti nil potest acquirere, sed qui tenet, non tantum ipsum, sed etiam operas ejus, nec non ancillarum partus et animalium foetus reddere cogitur. P.P. III. *Non. Maii Eboraci. Faustino et Rufo Coss.*'

" That is : It seems just that a man may have right of Lordship and propriety in a foreign slave (possessed (*bona fide*) as of his own proper goods) and also of his services. So that if thou hadst possession of the said servant, and he with thy money, in the time of his servitude, purchased any estate, thou mayst be relieved by the Law. But he that possesses a strange servant, unlawfully, can have no remedy, but shall be forced not only to restore him, but also his services, and all the increases both of the women and cattle."

The matter receives further notice from Selden, Savile, Drake, and others.

No. 2 ; see pp. 50-51. Magnum Registrum Album.

There is a full description of this book by the late Canon Raine in *The Historians of the Church of York* (Chron. and Mem. of Gt. Britain). The volume was compiled in the 14th century from original documents, and contains grants, confirmations, dispensations, letters of the kings and the popes, forming a "noble repository of ancient evidences." The first part (quoted *ante*, page 51) consists of biographies of Archbishops Thomas I, Gerard, Thomas II, and Thurstan. Hugh Sottovagina, the author of these "lives", was probably a Norman priest introduced by the first Archbishop Thomas (1070-1100). In the time of Archbishop Thomas II (1109-1119), he was a member of the Chapter, for when speaking of this body in the time of that Archbishop he employs the pronoun "we" (*nos*). He is described as the "Chantor and Archdeacon of the Church of St. Peter, York (Cotton MSS., Vitellius, A. XII). In *Mon. Ang.* (vol. iv, p. 325) he appears as a witness to Archbishop Thurstan's foundation deed of the Nunnery of St. Clement. He seems to have been one of the militant clergy who were present at the battle of the Standard, of which event he wrote a poem (*Memorials of Hexham*, vol. i, pp. 90-91). The method and style of his history is thus summarised by Canon Raine. After remarking that Hugh was personally involved in the dispute between Canterbury and York for precedence, he continues : "The just claims of York, and the wrongs of his diocesan were burnt in upon his mind, and he almost sternly casts aside as alien and impertinent everything that diverted him from the duty of stating the truth in a single controversy which he had resolved to set forth." (*Hist. Ch. York*, vol. ii, p. 15).

No. 3 ; see p. 58. The Pavement.

Hargrove (*Hist. and Descript. of the Ancient City of York*, vol. ii, p. 266) says, speaking of Pavement, "We do not find that it has borne any other name for time immemorial." Drake and Davies suggest no other name. But Sir Thomas Widdrington (p. 58 *ante*) speaks of it as Mark Skyre, or Mark-skyre, and also gives Havergate (p. 75 *ante*) as an alternative name. Mark Skyre is evidently a corruption of Market Square. Pavement was originally an enclosed space as well as a market. The churchyard of Holy Cross and Hosier Row occupied the area towards Whip-ma-Whop-ma-Gate ; houses stood against the chancel of All Saints, thus flanking the opposite side ; and a row of shops occupied the present spacious entrance to Parliament Street. The other name given by Sir Thomas is not so easy of explanation. Was there any connection between this place and Haver Lane? Does the word point to the mercantile associations of the neighbourhood being a corruption of *Harve?*

No. 4 ; see p. 68. The Custom re Intestates' Effects.

The special custom of the archiepiscopal Province of York (excepting the Diocese of Chester) with respect to the distribution of intestates' effects was not abolished until 1st January 1857, from which date the rules for distribution were assimilated to the remainder of England. Under the old custom referred to in the text, the personal property of an intestate, after payment of his debts and funeral expenses, and deducting for the widow her apparel, and the furniture of her bed-chamber, was divisible into three parts, one of which went to the widow, another to the children, and the third to the administrator.

By 22 and 23 Car. II, cap. 10, and 1 Jac. II, cap. 17, the administrator's third.

had to be divided also in accordance with the general Statute of Distributions, but the custom was observed as to all the other parts as formerly.

The custom and usage then worked out as follows :—

If the intestate left a widow and 2 children his estate would be divided into 18 parts. The widow got 6 parts by the custom, and 2 by the Statute, total $\frac{8}{18}$ths ; the two children got equally between them 6 parts by the custom, and 4 by the Statute, total $\frac{10}{18}$ths.

If there were a widow and no children the widow got $\frac{3}{4}$ths of the whole, namely, $\frac{1}{2}$ by the custom, and $\frac{1}{4}$th by the Statute ; the remaining $\frac{1}{4}$th went to other relations.

This was more beneficial to the widow than under the general law which now applies to York in common with the rest of England ; for now, if a man dies intestate, leaving a widow and children, she takes $\frac{1}{3}$rd, and they $\frac{2}{3}$rds. If there be no children she takes $\frac{1}{2}$, and the other relations $\frac{1}{2}$. Under the custom of York the widow had $\frac{1}{2}$ths, and $\frac{3}{4}$ths respectively.—*Vide* Williams, *Law of Executors and Administrators* (6th Ed.), p. 1412, also *The Statutes of the Realm*, Index, *sub* York.

No. 5 ; *see p.* 73. *The Site of an Ancient Jewish House.*

During the reign of Henry II (1154-1189), a mansion stood on the site of Commerce House, in Coney Street, occupied by a Jew, Joses, the son of Aldrete, one of the most noted money lenders of his day in the whole of England. This man had a brother, as well known as himself, named Benedict, who having attended with Joses the coronation of Richard I (1189), received such rough usage in the shameful assault upon the unoffending Jews who shewed themselves in London that day, that he died at Northampton, in his attempt to return to York. In the following year, Joses fell a victim to the anti-Hebrew hate which so powerfully excited the mobs of those early days. He perished in the slaughter of some 500 Jews in York Castle, a massacre which surpasses, in horror, every other such tragedy wrought by rabble fury. The descendants of Joses, however, lived in York for a century afterwards. Henry III (1216-1272), we are told, plundered a Jew of York, Aaron, the son of Joses, of whom mention has just been made, of large sums of money. The varied persecutions of the Jews culminated in their expulsion from England in 1290. Their property in York was largely confiscated, even their cemetery, the site of which is marked by the present Jewbury, being given to an Englishman.

The site of Commerce House was last occupied as a private mansion in the time of Queen Elizabeth (1558-1603). Towards the end of this reign, John Stephenson had a house here, which was occupied by him, and a secretary of the Council of the North, one Ralph Rokeby, Esq. Soon afterwards it became an inn, mine host bearing the name of John Bilbowe. He died in 1606, when Thomas Kaye became landlord. From about this time, for two centuries and a half, this hostelry was known as "The George Inn". It appears that eight years after Kaye had entered the premises, he purchased the property from the widow of John Stephenson, the owner. Everyone who has read the topography of York has been delighted with the drawings of Cave, published in 1813, and could not have passed over without considerable interest the plates numbered V and XXXI. The former displays the gable of "The George", immediately over the entrance to the yard, and the latter the main porch to the house. These drawings stamp the architecture of the house as that of the Stuart period, with Georgian additions. There can be no doubt that when Kaye bought the property he renovated it, his alterations and adornments

remaining until nearly the middle of the present century. The most striking feature on the gable was a seated Bacchus. The porch also possessed an unique feature, *The Pelican in her piety*, cut in the groin of the ceiling. This porch had doubtless been brought from some demolished religious house.

The name of Kaye has been "immortalized" by John Taylor the water poet. Taylor embarked on the 25th July 1622, in an open boat at London to travel to York by water, a journey he successfully performed. He gives an account of this journey in a 16-paged pamphlet, entitled, *A verry merry wherry-ferry-voyage; or, Yorke for my money: sometimes perilous, sometimes quarrelous, performed by a paire of oares, by sea from London, by John Taylor and Job Pennell, and written by I. T.* He amusingly describes his arrival at Hull, Cawood, and other places, and particularly his visit to Archbishop Toby Matthew. On reaching York he offered to sell his boat to the Lord Mayor, whose refusal gives Taylor an opportunity of expressing his disgust in a goodhumoured and entertaining style. The boat was disposed of to the landlord of "The George". Taylor says :—

> "I sold the boat, as I supposed most meet,
> To honest Mr. Kayes, of Cunny Street.
> He entertain'd me well, for which I thank him,
> And gratefully amongst my friends I'll rank him."

Kaye died in 1624. A great-grandson of his became a Canon of York Minster.

In an old newspaper of 1642 I find an interesting, though not pleasant, memorial of this ancient inn. It will be remembered that in 1642, at the beginning of the strife between Charles I and his Parliament, that the monarch came to York, where he had numerous and warm supporters. The record which I name has reference to this event. It runs: "Upon the 16th day of April, in the City of Yorke, were some twenty men drinking at The George, and staying long, began to be much in drink, who being not able to stir because of their drunkennesse, fell into many discourses. And among other things some fell to rejoicing that the king was there, others wishing him at London with his Parliament. Upon which, not well agreeing, they fell to blowes, some with knives, some with swords, and staves, so that the city was in an uproar, none knowing what they fell out for, some holding one thing, another wishing another thing, so that they were faine to be appeased by the magistrates of the city."

This inn was a place of repute in the later Stuart times. The banqueting room possessed to the end of its days a coloured window, which has given rise at various times to discussions, and fanciful conjectures as to why it was placed there. This window contained the arms of Charles II ; James, the Duke of York (afterwards James II) ; Algernon Percy, the 10th Earl of Northumberland ; George Villiers, the 2nd Duke of Buckingham (who married the daughter of Lord Thomas Fairfax) ; and William Wentworth, the 2nd Earl of Strafford. The suggestion of Mr. Davies, given in his *Walks through York*, appears to be the most likely explanation of the origin of this window. He says, "The merry monarch, with his royal brother and the three distinguished noblemen, their personal friends, whose heraldic symbols are associated with theirs in the memorial, had frequently been partakers, in this very apartment, of the good cheer of mine host of 'The George', and he (the landlord), had chosen this mode of commemorating the patronage of his illustrious visitors."

A colonnade was added to the front of "The George" in 1716. One of these columns appears in Cave's etching (Plate V). Photographs, of a comparatively recent date, of course, are also in existence, showing the whole series. Further and

extensive alterations were made in this building about the middle of the present century, the whole of the Jacobean work being carried away, no one knowing where!

The property passed into the hands of Messrs. Leak & Thorp in 1868, by whom it was taken down, and upon the site the present extensive block of premises was erected. There are, however, a few details left upon which an antiquary's eye will rest with pleasure. It is not generally known that the old water stairs to the river still exist. A large portion of the yard of the inn also is preserved, though most people pass through it never dreaming of the busy scenes once enacted there.

No. 6; see p. 85. Richard III bids for popularity.

Richard III, when he acquired the reins of government, sought in a variety of ways to conciliate the people of England. His favours bestowed upon the city of York, in particular, were not less than munificent. Nor did his policy fail to secure a measure of passing popularity.

In the *Christ Church Letters*, No. XLII (Camden Society, 1867), there is a letter by Thomas Langton, Bishop of S. David's, probably penned when Langton was at York with the King, in which he thus refers to this fact:—

". . . . I trust to God ye shall hear such tidings in haste that I shall be an Englishman and no more Welsh.[1]—*Sit hoc clam omnes.*[2] The King of Scots hath sent a courteous and a wise letter to the King for his case, but I trow ye shall understand they shall have a sit up or ever the King depart from York. They lie still at the siege of Dunbar, but I trust to God it shall be kept from them. I trust to God soon, by Michaelmas, the King shall be at London. He contents the people where he goes best that ever did prince; for many a poor man that hath suffered wrong many days have been relieved and helped by him and his commands in his progress.[3] And in many great cities and towns were great sums of money given him which he hath refused. On my troth I liked never the conditions of any prince so well as his; God hath sent him to us for the weal of us all. . . . Our Lord have you in his keeping.

T. LANGTON.

.

To my Lord the Prior of Christchurch of Canterbury."

No. 7; see p. 138. Tomb of Lord Ferdinando Fairfax.

On visiting Bolton Percy Church, one of the principal subjects of investigation is the tomb of Ferdinando Lord Fairfax. The first effect produced by a view of the mural tablet to the memory of the great general is not pleasant. One is somewhat startled and pained to see the capital of one of the pillars, and the main arch of one of the transepts, *cut away* in order to admit a monumental stone. The arrangement creates an impression on the mind that the sacred place is subordinate to what has been brought to it. This note was already written when *The Churches*

[1] He hoped for an English bishopric.

[2] "Let this be secret from all."

[3] Through the north.

of Yorkshire (Ed. G. A. Poole, and others) fell into my hands. The writer there not only confirms these views, but in his drawing of the interior of the church refuses to reproduce the memorial stone, and completes the pillar and the arch (*vide* No. IV, plate opp. p. 8).

Markham, *The Life of the Great Lord Fairfax*, judges from the internal evidences of the composition that the inscription on this stone is the work of Sir Thomas Widdrington. He says (p. 302): "We shall not be far wrong in ascribing it to his erudite son-in-law." Again (p. 303), he says: "Lord Fairfax is called *Humanitatis Repumicator*," which smacks strongly of Widdringtonian erudition."

The inscription is given by Drake, Gent, and others, but strange to say not two of them agree. My transcript differs from each, but I believe mine is correct, though I have had no opportunity of comparing my copy with the original while these sheets have been going through the press.

Gent, in his *History of the Loyal Town of Ripon*, p. 50 (2nd paging), gives a characteristic translation of this long Latin eulogy. I submit the following rendering:—

"Sacred to the memory of the most noble and beloved Ferdinand Lord Fairfax, Baron de Cameron, born in the county of York, to adorn the field of Britain's valour and faith. Distinguished by his ancestors' renown, a zealous promoter of peace, a mediator in the quarrels of the neighbourhood should any arise, in his defense of justice and kindliness unwearied. Possessed indeed of the greatest authority at home and abroad, and held in equal regard by all ranks, a lover of his country's peace, but invincible in war, bearing in his right hand the sword, in his left the balance,—in each he carries off the proud trophies of renown. A defender of religion, a patron of learning, and the standard of humanity. Nine times blessed in his wife, Maria, daughter of Edmond, Earl of Mulgrave, fortunate in the number and worth of a high-souled offspring. What wonder, then, if death cannot separate those whom a rare love has united so long and by so numerous an issue? He died in the 64th year of his age, and in the year 1647 of the salvation of man."

No. 8; *see p.* 155. *A Mayor of York killed at Poppleton, temp. Richard II.*

Knowing that Drake had tried but failed to ratify this statement, I postponed making any note respecting the matter, so as to make as extended a search as possible. My investigation, I regret to say, has been fruitless.

There is no Roman Roll so late as Richard II. These rolls date from 34 Edward I to 31 Edward III (*Vide* Appendix II to the *Second Report* of the Deputy Keeper of the Public Records, p. 45). Some of these are composite, and are classed with the French Rolls.

No. 9; *see p.* 181. *The Archiepiscopal Mint at York.*

The privilege of Minting exercised by the Archbishop of York is of undetermined antiquity. The coins, which can be with certainty identified as having been struck by particular Archbishops, because of the peculiar marks which they bear, form two non-continuous series.

I.—The first set extends over a period of about 150 years of the Anglo-Saxon times. The following Archbishops are represented:—

EGBERT, 732-766.—*Vide* Keary, *English Coins* (Anglo-Saxon series), vol. i,

p. 140; Hawkins, *The Silver Coins of England*, p. 66. Ruding attributes these coins to Egbert, the King of Kent, *vide* vol. i, p. 116. Numismatists agree that Ruding is incorrect in this.

EANBALD.—It is not quite certain whether these are the coins of Eanbald I (782-796), or Eanbald II (796-812).

WIGMUND, 837-854.

WULFERE, 854-895.

In 928, King Athelstan enacted a law for the regulation of "money-smithies", by which he suppressed all ecclesiastical mints, except those of Canterbury and Rochester (*Laws of King Athelstan*, No. 14).

There are coins ascribed to Ethelbald (895-928), Redewald (928-931), and even Wulstan I, whose accession took place in 931, but they bear no distinctive marks. Wulfere is the last Archbishop whose name appears on a coin of the ecclesiastical mint at York.

Little was known of these more ancient coins until 1808, when a hoard was unearthed by a plough at Kirk Oswald, Cumberland. These coins are classified by Ruding, vol. i, p. 111.

The Peter Pence, which were all struck at York during this period, will be referred to later.

II.—The second set extends over a period of nearly 150 years, during the Lancastrian and Tudor times.

When the Archbishop of York again became seised of his mint, under Norman rule, the ecclesiastical coins were assimilated to the regal ones. There are ample evidences of the activity of the Archbishops' moneyers in the Public Records (*vide ante*, p. 181, respecting Archbishops Gerard, Walter Gray and William Wickwaine), and in the Archbishops' Registers preserved at York (*vide* Raine, *Fasti*, re Archbishops Melton, Thoresby and others), but the coins bear no distinctive marks by which they can be identified with absolute certainty as the work of any particular Archbishop until the time of John Kemp, Archbishop, 1426-1452.

There are coins earlier and later than the time of this Archbishop bearing a quatrefoil, enclosing a pellet, in the centre of the cross on the reverse. This is the mark of the ecclesiastical mint at York. Such coins have been attributed to those dignitaries whose names are printed in the list below in italics. Those whose coins bear their initials, or some other distinguishing marks, are printed in capitals.

Henry Bowett, 1407-1426.

JOHN KEMP, 1426-1452.

William Booth, 1452-1464.

GEORGE NEVILLE, 1464-1476. In the *Catalogue of the Montagu Collection*, now dispersed, there is a coin, *tempore* Henry VI, described as having the letter G on the right of the neck. Brice says that this was struck by Archbp. Neville, probably in 1470, during the brief restoration of Henry VI.

Lawrence Booth, 1476-1480.

THOMAS ROTHERHAM, 1480-1501.

Thomas Savage, 1501-1508.

CHRISTOPHER BAINBRIDGE, 1508-1514.

THOMAS WOLSEY, 1514-1531.

EDWARD LEE, 1531-1545.

The most historic coin of the York ecclesiastical series is the groat of Cardinal Wolsey. Upon the fall of the Cardinal, the issue of this coin, which bore the device of a Cardinal's hat under the royal arms, was included in the bill of

indictment against him. Shakspeare's reference to this is familiar. The Duke of Suffolk is made to say to the Cardinal :—

> " That, out of mere ambition, you have caused
> Your holy hat to be stamped upon the King's coin."
> *Hen. VIII*, Act iii, sc. 2.

The words of the indictment (*vide* Lord Coke) are ambiguous, and it is not clear whether the offence was the use of the Cardinal's hat, or placing the device on so large a coin as a groat, or whether, as some have supposed to have been the case, Wolsey presumed to meddle with the groats of the *Royal* Mint at York, having the cap also placed upon them.

Reference has been made to the Peter Pence. This penny belongs to the Anglo-Saxon period, and was produced only by the ecclesiastical mint at York, but by whose authority it is uncertain (Ruding). Some assign this coin to the period prior to the accession of King Athelstan. Others place it late in the tenth century. The coin bears some resemblance to those of Eric of Northumbria, who died in 951. The Peter Pennies have no connection with the tribute of the Roman Catholic Church which has the same title. This Anglo-Saxon penny bears the name *Peter* in reference to the Apostle as the patron of the Church of York.

Robert Davies wrote an admirable tract on the mints in York—*Historical Notices of the Royal and Archiepiscopal Mints and Coinages at York*—which embraces everything in Ruding and furnishes original extracts from the archives of the Corporation of the City.

No. 10; *see p.* 185. *Carta Adelstani Regis Sancto Wilfrido de Rippon concessa.*

This rhyming charter is also printed by Kemble, *Codex Diplomaticus Aevi Saxonici* (Tom. ii, ccclx); by Thorpe, *Diplomatarium Anglicum Aevi Saxonici* (p. 182); and by Earle, *A Handbook to the Land Charters and Other Saxonic Documents* (Group xv).

The remarks of the last compiler are suggestive. He says: " In this group we have three specimens of that last stage in the descent of Saxon documents, in which they were cast into popular rhyme. . . . I would not venture to assume that rhyming records were a very late invention. . . . Far as these records are removed from any genuine documentary form, they do in all probability preserve the memory of actual grants. These rhymes can only have had vogue with the peasantry, and therefore they suggest a strong sense of attachment to the monastery under which they held their lands. I do not know whether it is possible that such rhymes could ever have had any sort of value as legal evidence in this country, though such a state of things is recorded in Ireland (*Ency. Brit.*, ed. 9, *v. Brehon Law*)."

There is a great mass of scattered notes on this subject. The matter has repeatedly appeared in *Notes and Queries* [*vide* Series III, vol. xii, pp. 33, 175, 259 (not 209 as in *N. and Q.* index); S. IV, vol. xii, pp. 69, 170, 395; S. V, vol. i, pp. 157, 217, 337; S. VI, vol. xii, pp. 84, 194, 253, 314, 410, 475; S. VII, vol. i, pp. 94, 231, 316, 376].

No. 11 ; *see p.* 237. *A detached note respecting St. Anthony's Hospital.*

The feast of Yule you may have in the Records of the City, exactly how it was, with the guise and rites of it, and the mystical allegory of that foolery, and when it first had the vacation, and was put down.

But it is to be remembered that this feast was made by a Master chosen every third year and twelve under him who were called St. Anthony's Pigs, and the master was called the keeper. See the manner of the feast, their rites with great garlands of flowers, which every one of twelve, from shoulder almost to foot, did carry, every garland having bushels of best flowers compacted, and bound up in a fine composure, tied about a great girth of a vessel.[1] Mayor, Aldermen, and best of city, with city's public musicians of loud music playing before them. See all these with the law of their feast, and the time when this office and feasting was put down, both which may be seen in the city's Records. And it would be mentioned and set down in the book that this Anthony's house is a hospital at this day, and hath a huge large hall, or great upper chamber, where most of the common trades of York now have their meetings, and each company have their tables and seats, and known to them, being distinguished by the names of the trades to which each division belongs, as innholders, bakers, sadlers, pinners, etc., with the arms of those trades over them, etc.—T. W.

No. 12 ; *see p.* 258. *Translation of the Lardinar pedigree.*

David, King's Larderer.

This David, the King's Larderer, came into England with the Conqueror. At the same time William de Albini, Earl of Arundel, was Chief Butler of England at the time of the Coronation, by which service he held Buckenham Castle and Wymondham Manor, in the County of Norfolk.

John the Larderer.

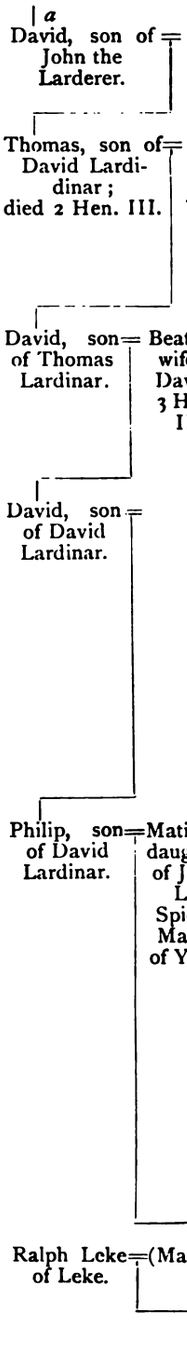
Stephen, King of England, restored and granted to John, his Larderer, of York, and to David his son, the land which he holds of him with his office of Larderer and his livery, as he held it on the day on which King Henry was alive and dead.

He and his ancestors used divers liberties, which see here in full ; and amongst others, they were Aldermen of Minstrills : see pp.,[2] and (as I have heard) Chief Constables of the City of York by hereditary right.

a

[1] *Sic.*

[2] See *ante*, pp. 251-252.



This David, son of John, died 26 Hen. II.

2 Rich. I. Pipe Roll, and in the Account-Book of Thomas, son of David le Lardinar, £7 12*s.* 1*d.* for a whole year.

3 Rich. I. Pipe Roll, and in the Account-Book of Thomas, son of David le Lardinar, £7 12*s.* 1*d.*

He had lands in Skelton, held of Robert Nevile, knight.

3 Hen. III. Pipe Roll. In the farm of the citizens of York is allowed thus, and in the Account-Book: to David, son of Thomas Lardinar—£15 4*s.* 2*d.*

This David, son of Thomas, died in the escheatorship, 55 Hen. III.

A.D. 1273, 1 Edw. I, David, son of David Lardinar, acknowledged that he ought to make two suits of the Court of Lord Robert de Nevill at Eskelfe yearly for a tenement in Skelton.

And he granted right in service to the same David of the lands which Jo. Spicer, then Mayor of York, had.

David, son of David, did homage 56 Hen. III, and died 4 Edw. I.

In the Pleas of Quo Warranto in the time of Edw. II, David the Larderer says that his great-grandfather's great-grandfather came into England with the Conqueror.

7 Edw. 2, among the fines of Michaelmas Term, Roll 3, Ralph de Leke and Margaret his wife, first born of the daughters and one of the heirs of Philip de Lardinar, made a fine for the moiety of a house in this city, called Davy Hall, and for 76*s.* rent, etc., after the death of Philip.

This Philip, with Matilda his wife, had an oxgang of land in Skelton in free marriage, Patent 7 Edw. III.

11 Edw. I. Pipe Roll for York. In the farm of the citizens of York is allowed thus, and in the Account-Book of Philip, son and heir of David Le Lardinar—£7 12*s.* 1*d.*

22 Edw. I. Pipe Roll, as allowed thus to John Le Meaus in his Account of the city of York, and in the Account-Book of Philip, son and heir of David Le Lardinar—£15 4*s.* 2*d.*, for this year and the year before.

| *b*

Robert Thornton = **Alice, daughter and sole heir of Ralph Leke.**

46 Edw. III. Robert Lardinar, son and heir of John de Thornton, thus [styled] by reason of his office ; but in 3 Edw. III Robert Thornton, son of John de Thornton.

Thomas, son and heir of William Gra, releases to Robert Thornton, called Lardinar, and to Alice the wife[1] of John de Thornton, children and heirs of Philip Lardinar : see p.[2]

John Thwaytes of Thwaytes = **Joan, daughter and sole heir, her sister having died.**

See page[3]. In the Account of William Ormeshead, 3 Hen. VI, after the death of Robert Thornton, when the Mayor delivered, by the King's writ, the aforesaid manor of Davygate to John Thwaytes and Joan his wife, daughter and heir of the aforesaid Robert. See the indenture of marriage.

I, Robert Thornton of Davygate, on 5 April, 3 Hen. V, have granted to John de Thwaytes and Joan his wife, my daughter, all the lands, etc., which I have in the parish of Leke, etc.

Thomas Thwaytes = **Alice, daughter and heir of Thomas de la Hay.**

Roger Joudrell. = Alice, one of the coheirs of Robert Thornton, died without issue.

19 Rich. II. Her father gave her for [dower] 100 marks ; and she died without issue in her father's lifetime. And the covenant is to this effect : That Robert alienate no part of his inheritance so as to disinherit his said daughter ; and in case the said Robert shall provide that the said Roger can recover any of the said, etc., which belong to his inheritance, then Roger and Alice shall enjoy it, to them and to the heirs of their bodies for ever.

His second wife was Ann Knevet, Aunt to the 1st Lord Knevet. He died seised of the manor of Davy Hall. Inquis. 2 Hen. VIII, May 26.

John Thwaytes. = **He bore for his coat, *Or*, 3 bendlets *gules*.**

Agnes, the 1st wife of John Thwaytes, had for jointure lands, etc., in Kighly, Scolds, Rawden, Newsam, Bingley and Askwith, 19 Hen. VII. Afterwards wife of Thomas Meryng, Esq.

Elizabeth was one of the coheirs, married to —— Sothill of Northdighton.

Thomas Thwaytes, died in his father's lifetime. = **Emota, daughter and heir of Nicholas Middleton.**

John Thwaytes, died in infancy.

William Fairfax of Steeton, Knight. = **Isabella, daughter of Thomas, and heir of John Thwaytes.**

| *c*

[1] In the translation I have left out the word *filiae*. See *ante*, p. 259, note 1.

[2] See *ante*, p. 256.

[3] See *ante*, p. 254.

Thomas Fairfax, Knight. = Dorothy, daughter of George Gaile, Esq.

Thomas, Lord Fairfax. = Ellen, his wife, daughter of Robert Ask, Esq.

Ferdinand, Lord Fairfax. = Mary, daughter of Edmund, Earl Mulgrave.

Thomas, Lord Fairfax. = Anne, daughter and coheir of Horace Vere, Baron of Tilbury.

No. 13; *see p.* 276. *The punishment of attainted jurors.*

An attaint was a writ to enquire whether a jury of twelve men had given a false verdict, so that the judgment thereon might be reversed. The Grand Jury to try the false verdict had to consist of twenty-four men, "for the law wills not that the oath of a jury of 12 men should be attainted, or set aside, by an equal number nor by less, indeed, than double the former."

A Forprise is an exception or reservation.

From this item we learn that in the City and County of York it was not essential that the Grand Jurors, to try an attaint, should be worth £20 yearly.

It is not possible to look into a paragraph like this without recognising the thoroughness with which our ancestors provided for truth and justice. Comparing the English love of truth with the state of things among Latin races, one can see how beneficial such institutions as ***Attaint***, and their consequences, were in building up the character of the English race.

If the Grand Jury found the verdict a false one, the judgment of the Common Law was that the jurors (1) should lose their ***liberam legem***, and become for ever infamous; (2) should forfeit their goods and the profits of their lands; (3) should themselves be imprisoned, and their wives and children thrown out of doors; (4) should have their houses razed, their trees extirpated, and their meadows ploughed; and (5) that the plaintiff should be restored to all that he lost by reason of the unjust verdict.

But the severity of this punishment had its usual effect in preventing the law from being executed. Therefore, by Statute 11 Henry VII, c. 24, (made perpetual by 13 Elizabeth, c. 25), a more moderate punishment was inflicted upon attainted jurors, viz., (1) perpetual infamy and (2) forfeiture of £20 each, by the jurors, if the cause of action was above £40 in value, or £5 each if the cause of action was under £40, to be divided between the king and the party injured.

The practice of setting aside verdicts upon motion, and granting new trials, has so superseded attaints that very few instances appear in our books later than the 16th century.

No. 14; *see p.* 284. *The Dukes of York.*

The following complete the list of the Dukes of York:—

(5) Richard, second son of Edward IV, who with his brother, Ed. V, was murdered in the Tower.

(6) Henry VIII, second son of Henry VII.

(7) Charles I, second son of James I.

(8) James II, second son of Charles I.

(9) Ernest Augustus, brother of George I.

(10) Edward Augustus, brother of George III, and second son of Frederick Lewis, Prince of Wales.

(11) Frederick, second son of George III.

(12) George Frederick, second son of Albert Edward, Prince of Wales.

No. 15; *see p.* 136, *and the plate opposite that page.* *Walter Malbysse.*

The following table presents the correct account of Walter Malbysse and the Acaster lands.

John de Malbysse, Sheriff of the County in 1314. = Agnes.

Walter. He went to the Holy Land, and for certain monetary obligations made over his estate to William Fairfax, his brother-in-law, should he not return. This was in 1366, *temp.* Edward III (1327-1377). The Crusader was never heard of again.	William.	Elizabeth, *married* William Fairfax of Walton. When the death of Walter was no longer a question or doubt, the descendants of William Fairfax and his wife Elizabeth were seised of the Acaster lands. This would probably be in the time of Henry VI (1422-1461), the monarch named by Widdrington.

It is surprising that Widdrington, who was so familiar with the Fairfax pedigree and history, did not make a conclusive enquiry into this matter.

Thomas Beckwith, painter, of York, published an engraving of this effigy.



GENERAL INDEX

TO

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CORRIGENDA.

Page 18, Agricola has a terminal "o" for "a".
„ 30, line 8, insert a comma after *omnia.*
„ 36, for *Recens*, read *recens.*
„ 123, for *William Thoresby*, read *John Thoresby.*
„ 126, line 16, the reference number 2 after *St. Clement* has dropped; "o" is also inserted for "a" in Thurstan in the next line.
„ 146, note 2, for *A chapel in York Minster* read *A chapel in the close of York Minster.*
„ 151, line 19, omit the comma after *Bartholomew.*
„ 168, line 11, bracket dropped after 22.
„ 170, note 5, for *Brown* read *Browne.*
„ 218, lines 8 and 3 from the bottom, for *Serjeant's* read *Serjeants'*. For *Pool*, line 3 in the notes, read *Poole.*
„ 264, line 21, for *Cecily*, read *Cicely.*
„ 272, reference number 4 appears twice. Delete the latter.
In one or two words an alternative spelling has crept in, *i.e.*, sergeant and serjeant, *Quo Waranto* and *Quo Warranto.*

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The Free Library, Nottingham, per J. Potter Briscoe, Esq., F.R.H.S.
The Public Libraries, Sheffield, per Samuel Smith, Esq., Chief Librarian.
The Public Library, York, per Alderman McKay, J.P.

POSTSCRIPT.—The names of some American subscribers have been omitted from this list, details not having been received from the agents.

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